

# **Appendix A**

Urban Water Management Planning Act of 1983  
as Amended to 2010

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# CALIFORNIA WATER CODE DIVISION 6

## PART 2.6. URBAN WATER MANAGEMENT PLANNING

All California Codes have been updated to include the 2010 Statutes.

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### WATER CODE

#### SECTION 10610-10610.4

**10610.** This part shall be known and may be cited as the "Urban Water Management Planning Act."

**10610.2.** (a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
- (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
- (3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic climate.
- (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.
- (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
- (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
- (7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
- (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
- (9) The quality of source supplies can have a significant impact

on water management strategies and supply reliability.

(b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

**10610.4.** The Legislature finds and declares that it is the policy of the state as follows:

(a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.

(b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.

(c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

## **WATER CODE**

### **SECTION 10611-10617**

**10611.** Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

**10611.5.** "Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

**10612.** "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

**10613.** "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

**10614.** "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

**10615.** "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

**10616.** "Public agency" means any board, commission, county, city

and county, city, regional agency, district, or other public entity.

**10616.5.** "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

**10617.** "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

## **WATER CODE**

### **SECTION 10620-10621**

**10620.** (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).

(b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

(c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.

(d) (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.

(2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

(e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.

(f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

**10621.** (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.

(b) Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days prior to the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water

supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

(c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

## **WATER CODE**

### **SECTION 10630-10634**

**10630.** It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

**10631.** A plan shall be adopted in accordance with this chapter that shall do all of the following:

(a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.

(b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:

(1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.

(2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(c) (1) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:

- (A) An average water year.
- (B) A single dry water year.
- (C) Multiple dry water years.

(2) For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

(d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

(e) (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors, including, but not necessarily limited to, all of the following uses:

- (A) Single-family residential.
- (B) Multifamily.
- (C) Commercial.
- (D) Industrial.
- (E) Institutional and governmental.
- (F) Landscape.
- (G) Sales to other agencies.
- (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(2) The water use projections shall be in the same five-year increments described in subdivision (a).

(f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:

- (A) Water survey programs for single-family residential and multifamily residential customers.
- (B) Residential plumbing retrofit.
- (C) System water audits, leak detection, and repair.
- (D) Metering with commodity rates for all new connections and retrofit of existing connections.
- (E) Large landscape conservation programs and incentives.
- (F) High-efficiency washing machine rebate programs.
- (G) Public information programs.
- (H) School education programs.
- (I) Conservation programs for commercial, industrial, and institutional accounts.

- (J) Wholesale agency programs.
- (K) Conservation pricing.
- (L) Water conservation coordinator.
- (M) Water waste prohibition.
- (N) Residential ultra-low-flush toilet replacement programs.
- (2) A schedule of implementation for all water demand management measures proposed or described in the plan.
- (3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.
- (4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.
- (g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:
  - (1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.
  - (2) Include a cost-benefit analysis, identifying total benefits and total costs.
  - (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.
  - (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.
- (h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.
  - (i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.
  - (j) For purposes of this part, urban water suppliers that are members of the California Urban Water Conservation Council shall be deemed in compliance with the requirements of subdivisions (f) and (g) by complying with all the provisions of the "Memorandum of Understanding Regarding Urban Water Conservation in California,"

dated December 10, 2008, as it may be amended, and by submitting the annual reports required by Section 6.2 of that memorandum.

(k) Urban water suppliers that rely upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c).

**10631.1.** (a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

(b) It is the intent of the Legislature that the identification of projected water use for single-family and multifamily residential housing for lower income households will assist a supplier in complying with the requirement under Section 65589.7 of the Government Code to grant a priority for the provision of service to housing units affordable to lower income households.

**10631.5.** (a) (1) Beginning January 1, 2009, the terms of, and eligibility for, a water management grant or loan made to an urban water supplier and awarded or administered by the department, state board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of the water demand management measures described in Section 10631, as determined by the department pursuant to subdivision (b).

(2) For the purposes of this section, water management grants and loans include funding for programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability, and water supply augmentation. This section does not apply to water management projects funded by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(3) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if the urban water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the water demand management measures. The supplier may request grant or loan funds to implement the water demand management measures to the extent the request is consistent with the eligibility requirements applicable to the water management funds.

(4) (A) Notwithstanding paragraph (1), the department shall

determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if an urban water supplier submits to the department for approval documentation demonstrating that a water demand management measure is not locally cost effective. If the department determines that the documentation submitted by the urban water supplier fails to demonstrate that a water demand management measure is not locally cost effective, the department shall notify the urban water supplier and the agency administering the grant or loan program within 120 days that the documentation does not satisfy the requirements for an exemption, and include in that notification a detailed statement to support the determination.

(B) For purposes of this paragraph, "not locally cost effective" means that the present value of the local benefits of implementing a water demand management measure is less than the present value of the local costs of implementing that measure.

(b) (1) The department, in consultation with the state board and the California Bay-Delta Authority or its successor agency, and after soliciting public comment regarding eligibility requirements, shall develop eligibility requirements to implement the requirement of paragraph (1) of subdivision (a). In establishing these eligibility requirements, the department shall do both of the following:

(A) Consider the conservation measures described in the Memorandum of Understanding Regarding Urban Water Conservation in California, and alternative conservation approaches that provide equal or greater water savings.

(B) Recognize the different legal, technical, fiscal, and practical roles and responsibilities of wholesale water suppliers and retail water suppliers.

(2) (A) For the purposes of this section, the department shall determine whether an urban water supplier is implementing all of the water demand management measures described in Section 10631 based on either, or a combination, of the following:

(i) Compliance on an individual basis.

(ii) Compliance on a regional basis. Regional compliance shall require participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and the department with data to demonstrate that the regional program is consistent with this clause. The department shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements.

(B) The department may require additional information for any determination pursuant to this section.

(3) The department shall not deny eligibility to an urban water supplier in compliance with the requirements of this section that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of

the agencies participating in the project or plan is not implementing all of the water demand management measures described in Section 10631.

(c) In establishing guidelines pursuant to the specific funding authorization for any water management grant or loan program subject to this section, the agency administering the grant or loan program shall include in the guidelines the eligibility requirements developed by the department pursuant to subdivision (b).

(d) Upon receipt of a water management grant or loan application by an agency administering a grant and loan program subject to this section, the agency shall request an eligibility determination from the department with respect to the requirements of this section. The department shall respond to the request within 60 days of the request.

(e) The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities. In addition, for urban water suppliers that are signatories to the Memorandum of Understanding Regarding Urban Water Conservation in California and submit biennial reports to the California Urban Water Conservation Council in accordance with the memorandum, the department may use these reports to assist in tracking the implementation of water demand management measures.

(f) This section shall remain in effect only until July 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2016, deletes or extends that date.

**10631.7.** The department, in consultation with the California Urban Water Conservation Council, shall convene an independent technical panel to provide information and recommendations to the department and the Legislature on new demand management measures, technologies, and approaches. The panel shall consist of no more than seven members, who shall be selected by the department to reflect a balanced representation of experts. The panel shall have at least one, but no more than two, representatives from each of the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers, and academia. The panel shall be convened by January 1, 2009, and shall report to the Legislature no later than January 1, 2010, and every five years thereafter. The department shall review the panel report and include in the final report to the Legislature the department's recommendations and comments regarding the panel process and the panel's recommendations.

**10632.** (a) The plan shall provide an urban water shortage contingency analysis that includes each of the following elements that are within the authority of the urban water supplier:

(1) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions that are applicable to each stage.

(2) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic

sequence for the agency's water supply.

(3) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.

(4) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.

(5) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.

(6) Penalties or charges for excessive use, where applicable.

(7) An analysis of the impacts of each of the actions and conditions described in paragraphs (1) to (6), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.

(8) A draft water shortage contingency resolution or ordinance.

(9) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

(b) Commencing with the urban water management plan update due December 31, 2015, for purposes of developing the water shortage contingency analysis pursuant to subdivision (a), the urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

**10633.** The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

(a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

(b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

(c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

(d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

(e) The projected use of recycled water within the supplier's

service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

(f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

(g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

**10634.** The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

## **WATER CODE**

### **SECTION 10635**

**10635.** (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

(b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

(c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.

(d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

## **WATER CODE**

### **SECTION 10640-10645**

**10640.** Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630).

The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

**10641.** An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

**10642.** Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

**10643.** An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

**10644.** (a) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the exemplary elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

(c) (1) For the purpose of identifying the exemplary elements of the individual plans, the department shall identify in the report those water demand management measures adopted and implemented by specific urban water suppliers, and identified pursuant to Section

10631, that achieve water savings significantly above the levels established by the department to meet the requirements of Section 10631.5.

(2) The department shall distribute to the panel convened pursuant to Section 10631.7 the results achieved by the implementation of those water demand management measures described in paragraph (1).

(3) The department shall make available to the public the standard the department will use to identify exemplary water demand management measures.

**10645.** Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

## **WATER CODE**

### **SECTION 10650-10656**

**10650.** Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.

(b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

**10651.** In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

**10652.** The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

**10653.** The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

**10654.** An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the

"Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

**10655.** If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

**10656.** An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

## Senate Bill No. 7

### CHAPTER 4

An act to amend and repeal Section 10631.5 of, to add Part 2.55 (commencing with Section 10608) to Division 6 of, and to repeal and add Part 2.8 (commencing with Section 10800) of Division 6 of, the Water Code, relating to water.

[Approved by Governor November 10, 2009. Filed with  
Secretary of State November 10, 2009.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 7, Steinberg. Water conservation.

(1) Existing law requires the Department of Water Resources to convene an independent technical panel to provide information to the department and the Legislature on new demand management measures, technologies, and approaches. "Demand management measures" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

This bill would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. The state would be required to make incremental progress towards this goal by reducing per capita water use by at least 10% on or before December 31, 2015. The bill would require each urban retail water supplier to develop urban water use targets and an interim urban water use target, in accordance with specified requirements. The bill would require agricultural water suppliers to implement efficient water management practices. The bill would require the department, in consultation with other state agencies, to develop a single standardized water use reporting form. The bill, with certain exceptions, would provide that urban retail water suppliers, on and after July 1, 2016, and agricultural water suppliers, on and after July 1, 2013, are not eligible for state water grants or loans unless they comply with the water conservation requirements established by the bill. The bill would repeal, on July 1, 2016, an existing requirement that conditions eligibility for certain water management grants or loans to an urban water supplier on the implementation of certain water demand management measures.

(2) Existing law, until January 1, 1993, and thereafter only as specified, requires certain agricultural water suppliers to prepare and adopt water management plans.

This bill would revise existing law relating to agricultural water management planning to require agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2012, and update those plans on or before December

31, 2015, and on or before December 31 every 5 years thereafter. An agricultural water supplier that becomes an agricultural water supplier after December 31, 2012, would be required to prepare and adopt an agricultural water management plan within one year after becoming an agricultural water supplier. The agricultural water supplier would be required to notify each city or county within which the supplier provides water supplies with regard to the preparation or review of the plan. The bill would require the agricultural water supplier to submit copies of the plan to the department and other specified entities. The bill would provide that an agricultural water supplier is not eligible for state water grants or loans unless the supplier complies with the water management planning requirements established by the bill.

(3) The bill would take effect only if SB 1 and SB 6 of the 2009–10 7th Extraordinary Session of the Legislature are enacted and become effective.

*The people of the State of California do enact as follows:*

SECTION 1. Part 2.55 (commencing with Section 10608) is added to Division 6 of the Water Code, to read:

#### PART 2.55. SUSTAINABLE WATER USE AND DEMAND REDUCTION

##### CHAPTER 1. GENERAL DECLARATIONS AND POLICY

10608. The Legislature finds and declares all of the following:

(a) Water is a public resource that the California Constitution protects against waste and unreasonable use.

(b) Growing population, climate change, and the need to protect and grow California's economy while protecting and restoring our fish and wildlife habitats make it essential that the state manage its water resources as efficiently as possible.

(c) Diverse regional water supply portfolios will increase water supply reliability and reduce dependence on the Delta.

(d) Reduced water use through conservation provides significant energy and environmental benefits, and can help protect water quality, improve streamflows, and reduce greenhouse gas emissions.

(e) The success of state and local water conservation programs to increase efficiency of water use is best determined on the basis of measurable outcomes related to water use or efficiency.

(f) Improvements in technology and management practices offer the potential for increasing water efficiency in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses.

(g) The Governor has called for a 20 percent per capita reduction in urban water use statewide by 2020.

(h) The factors used to formulate water use efficiency targets can vary significantly from location to location based on factors including weather, patterns of urban and suburban development, and past efforts to enhance water use efficiency.

(i) Per capita water use is a valid measure of a water provider's efforts to reduce urban water use within its service area. However, per capita water use is less useful for measuring relative water use efficiency between different water providers. Differences in weather, historical patterns of urban and suburban development, and density of housing in a particular location need to be considered when assessing per capita water use as a measure of efficiency.

10608.4. It is the intent of the Legislature, by the enactment of this part, to do all of the following:

(a) Require all water suppliers to increase the efficiency of use of this essential resource.

(b) Establish a framework to meet the state targets for urban water conservation identified in this part and called for by the Governor.

(c) Measure increased efficiency of urban water use on a per capita basis.

(d) Establish a method or methods for urban retail water suppliers to determine targets for achieving increased water use efficiency by the year 2020, in accordance with the Governor's goal of a 20-percent reduction.

(e) Establish consistent water use efficiency planning and implementation standards for urban water suppliers and agricultural water suppliers.

(f) Promote urban water conservation standards that are consistent with the California Urban Water Conservation Council's adopted best management practices and the requirements for demand management in Section 10631.

(g) Establish standards that recognize and provide credit to water suppliers that made substantial capital investments in urban water conservation since the drought of the early 1990s.

(h) Recognize and account for the investment of urban retail water suppliers in providing recycled water for beneficial uses.

(i) Require implementation of specified efficient water management practices for agricultural water suppliers.

(j) Support the economic productivity of California's agricultural, commercial, and industrial sectors.

(k) Advance regional water resources management.

10608.8. (a) (1) Water use efficiency measures adopted and implemented pursuant to this part or Part 2.8 (commencing with Section 10800) are water conservation measures subject to the protections provided under Section 1011.

(2) Because an urban agency is not required to meet its urban water use target until 2020 pursuant to subdivision (b) of Section 10608.24, an urban retail water supplier's failure to meet those targets shall not establish a violation of law for purposes of any state administrative or judicial proceeding prior to January 1, 2021. Nothing in this paragraph limits the use of data reported to the department or the board in litigation or an

administrative proceeding. This paragraph shall become inoperative on January 1, 2021.

(3) To the extent feasible, the department and the board shall provide for the use of water conservation reports required under this part to meet the requirements of Section 1011 for water conservation reporting.

(b) This part does not limit or otherwise affect the application of Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) This part does not require a reduction in the total water used in the agricultural or urban sectors, because other factors, including, but not limited to, changes in agricultural economics or population growth may have greater effects on water use. This part does not limit the economic productivity of California's agricultural, commercial, or industrial sectors.

(d) The requirements of this part do not apply to an agricultural water supplier that is a party to the Quantification Settlement Agreement, as defined in subdivision (a) of Section 1 of Chapter 617 of the Statutes of 2002, during the period within which the Quantification Settlement Agreement remains in effect. After the expiration of the Quantification Settlement Agreement, to the extent conservation water projects implemented as part of the Quantification Settlement Agreement remain in effect, the conserved water created as part of those projects shall be credited against the obligations of the agricultural water supplier pursuant to this part.

## CHAPTER 2. DEFINITIONS

10608.12. Unless the context otherwise requires, the following definitions govern the construction of this part:

(a) "Agricultural water supplier" means a water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. "Agricultural water supplier" includes a supplier or contractor for water, regardless of the basis of right, that distributes or sells water for ultimate resale to customers. "Agricultural water supplier" does not include the department.

(b) "Base daily per capita water use" means any of the following:

(1) The urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous 10-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(2) For an urban retail water supplier that meets at least 10 percent of its 2008 measured retail water demand through recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier, the urban retail water supplier may extend the calculation described in paragraph (1) up to an additional five years to a maximum of

a continuous 15-year period ending no earlier than December 31, 2004, and no later than December 31, 2010.

(3) For the purposes of Section 10608.22, the urban retail water supplier's estimate of its average gross water use, reported in gallons per capita per day and calculated over a continuous five-year period ending no earlier than December 31, 2007, and no later than December 31, 2010.

(c) "Baseline commercial, industrial, and institutional water use" means an urban retail water supplier's base daily per capita water use for commercial, industrial, and institutional users.

(d) "Commercial water user" means a water user that provides or distributes a product or service.

(e) "Compliance daily per capita water use" means the gross water use during the final year of the reporting period, reported in gallons per capita per day.

(f) "Disadvantaged community" means a community with an annual median household income that is less than 80 percent of the statewide annual median household income.

(g) "Gross water use" means the total volume of water, whether treated or untreated, entering the distribution system of an urban retail water supplier, excluding all of the following:

(1) Recycled water that is delivered within the service area of an urban retail water supplier or its urban wholesale water supplier.

(2) The net volume of water that the urban retail water supplier places into long-term storage.

(3) The volume of water the urban retail water supplier conveys for use by another urban water supplier.

(4) The volume of water delivered for agricultural use, except as otherwise provided in subdivision (f) of Section 10608.24.

(h) "Industrial water user" means a water user that is primarily a manufacturer or processor of materials as defined by the North American Industry Classification System code sectors 31 to 33, inclusive, or an entity that is a water user primarily engaged in research and development.

(i) "Institutional water user" means a water user dedicated to public service. This type of user includes, among other users, higher education institutions, schools, courts, churches, hospitals, government facilities, and nonprofit research institutions.

(j) "Interim urban water use target" means the midpoint between the urban retail water supplier's base daily per capita water use and the urban retail water supplier's urban water use target for 2020.

(k) "Locally cost effective" means that the present value of the local benefits of implementing an agricultural efficiency water management practice is greater than or equal to the present value of the local cost of implementing that measure.

(l) "Process water" means water used for producing a product or product content or water used for research and development, including, but not limited to, continuous manufacturing processes, water used for testing and maintaining equipment used in producing a product or product content, and

water used in combined heat and power facilities used in producing a product or product content. Process water does not mean incidental water uses not related to the production of a product or product content, including, but not limited to, water used for restrooms, landscaping, air conditioning, heating, kitchens, and laundry.

(m) “Recycled water” means recycled water, as defined in subdivision (n) of Section 13050, that is used to offset potable demand, including recycled water supplied for direct use and indirect potable reuse, that meets the following requirements, where applicable:

(1) For groundwater recharge, including recharge through spreading basins, water supplies that are all of the following:

(A) Metered.

(B) Developed through planned investment by the urban water supplier or a wastewater treatment agency.

(C) Treated to a minimum tertiary level.

(D) Delivered within the service area of an urban retail water supplier or its urban wholesale water supplier that helps an urban retail water supplier meet its urban water use target.

(2) For reservoir augmentation, water supplies that meet the criteria of paragraph (1) and are conveyed through a distribution system constructed specifically for recycled water.

(n) “Regional water resources management” means sources of supply resulting from watershed-based planning for sustainable local water reliability or any of the following alternative sources of water:

(1) The capture and reuse of stormwater or rainwater.

(2) The use of recycled water.

(3) The desalination of brackish groundwater.

(4) The conjunctive use of surface water and groundwater in a manner that is consistent with the safe yield of the groundwater basin.

(o) “Reporting period” means the years for which an urban retail water supplier reports compliance with the urban water use targets.

(p) “Urban retail water supplier” means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

(q) “Urban water use target” means the urban retail water supplier’s targeted future daily per capita water use.

(r) “Urban wholesale water supplier,” means a water supplier, either publicly or privately owned, that provides more than 3,000 acre-feet of water annually at wholesale for potable municipal purposes.

### CHAPTER 3. URBAN RETAIL WATER SUPPLIERS

10608.16. (a) The state shall achieve a 20-percent reduction in urban per capita water use in California on or before December 31, 2020.

(b) The state shall make incremental progress towards the state target specified in subdivision (a) by reducing urban per capita water use by at least 10 percent on or before December 31, 2015.

10608.20. (a) (1) Each urban retail water supplier shall develop urban water use targets and an interim urban water use target by July 1, 2011. Urban retail water suppliers may elect to determine and report progress toward achieving these targets on an individual or regional basis, as provided in subdivision (a) of Section 10608.28, and may determine the targets on a fiscal year or calendar year basis.

(2) It is the intent of the Legislature that the urban water use targets described in subdivision (a) cumulatively result in a 20-percent reduction from the baseline daily per capita water use by December 31, 2020.

(b) An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a provisional standard. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

(C) For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

- (B) Consider population density differences within the state.
  - (C) Provide flexibility to communities and regions in meeting the targets.
  - (D) Consider different levels of per capita water use according to plant water needs in different regions.
  - (E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.
  - (F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.
- (c) If the department adopts a regulation pursuant to paragraph (4) of subdivision (b) that results in a requirement that an urban retail water supplier achieve a reduction in daily per capita water use that is greater than 20 percent by December 31, 2020, an urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may limit its urban water use target to a reduction of not more than 20 percent by December 31, 2020, by adopting the method described in paragraph (1) of subdivision (b).
- (d) The department shall update the method described in paragraph (4) of subdivision (b) and report to the Legislature by December 31, 2014. An urban retail water supplier that adopted the method described in paragraph (4) of subdivision (b) may adopt a new urban daily per capita water use target pursuant to this updated method.
- (e) An urban retail water supplier shall include in its urban water management plan required pursuant to Part 2.6 (commencing with Section 10610) due in 2010 the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.
- (f) When calculating per capita values for the purposes of this chapter, an urban retail water supplier shall determine population using federal, state, and local population reports and projections.
- (g) An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).
- (h) (1) The department, through a public process and in consultation with the California Urban Water Conservation Council, shall develop technical methodologies and criteria for the consistent implementation of this part, including, but not limited to, both of the following:
- (A) Methodologies for calculating base daily per capita water use, baseline commercial, industrial, and institutional water use, compliance daily per capita water use, gross water use, service area population, indoor residential water use, and landscaped area water use.
  - (B) Criteria for adjustments pursuant to subdivisions (d) and (e) of Section 10608.24.
- (2) The department shall post the methodologies and criteria developed pursuant to this subdivision on its Internet Web site, and make written copies

available, by October 1, 2010. An urban retail water supplier shall use the methods developed by the department in compliance with this part.

(i) (1) The department shall adopt regulations for implementation of the provisions relating to process water in accordance with subdivision (l) of Section 10608.12, subdivision (e) of Section 10608.24, and subdivision (d) of Section 10608.26.

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

(j) An urban retail water supplier shall be granted an extension to July 1, 2011, for adoption of an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) due in 2010 to allow use of technical methodologies developed by the department pursuant to paragraph (4) of subdivision (b) and subdivision (h). An urban retail water supplier that adopts an urban water management plan due in 2010 that does not use the methodologies developed by the department pursuant to subdivision (h) shall amend the plan by July 1, 2011, to comply with this part.

10608.22. Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

10608.24. (a) Each urban retail water supplier shall meet its interim urban water use target by December 31, 2015.

(b) Each urban retail water supplier shall meet its urban water use target by December 31, 2020.

(c) An urban retail water supplier's compliance daily per capita water use shall be the measure of progress toward achievement of its urban water use target.

(d) (1) When determining compliance daily per capita water use, an urban retail water supplier may consider the following factors:

(A) Differences in evapotranspiration and rainfall in the baseline period compared to the compliance reporting period.

(B) Substantial changes to commercial or industrial water use resulting from increased business output and economic development that have occurred during the reporting period.

(C) Substantial changes to institutional water use resulting from fire suppression services or other extraordinary events, or from new or expanded operations, that have occurred during the reporting period.

(2) If the urban retail water supplier elects to adjust its estimate of compliance daily per capita water use due to one or more of the factors described in paragraph (1), it shall provide the basis for, and data supporting, the adjustment in the report required by Section 10608.40.

(e) When developing the urban water use target pursuant to Section 10608.20, an urban retail water supplier that has a substantial percentage of industrial water use in its service area, may exclude process water from the calculation of gross water use to avoid a disproportionate burden on another customer sector.

(f) (1) An urban retail water supplier that includes agricultural water use in an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) may include the agricultural water use in determining gross water use. An urban retail water supplier that includes agricultural water use in determining gross water use and develops its urban water use target pursuant to paragraph (2) of subdivision (b) of Section 10608.20 shall use a water efficient standard for agricultural irrigation of 100 percent of reference evapotranspiration multiplied by the crop coefficient for irrigated acres.

(2) An urban retail water supplier, that is also an agricultural water supplier, is not subject to the requirements of Chapter 4 (commencing with Section 10608.48), if the agricultural water use is incorporated into its urban water use target pursuant to paragraph (1).

10608.26. (a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

(1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.

(2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.

(3) Adopt a method, pursuant to subdivision (b) of Section 10608.20, for determining its urban water use target.

(b) In complying with this part, an urban retail water supplier may meet its urban water use target through efficiency improvements in any combination among its customer sectors. An urban retail water supplier shall avoid placing a disproportionate burden on any customer sector.

(c) For an urban retail water supplier that supplies water to a United States Department of Defense military installation, the urban retail water supplier's implementation plan for complying with this part shall consider the United States Department of Defense military installation's requirements under federal Executive Order 13423.

(d) (1) Any ordinance or resolution adopted by an urban retail water supplier after the effective date of this section shall not require existing customers as of the effective date of this section, to undertake changes in product formulation, operations, or equipment that would reduce process water use, but may provide technical assistance and financial incentives to those customers to implement efficiency measures for process water. This section shall not limit an ordinance or resolution adopted pursuant to a declaration of drought emergency by an urban retail water supplier.

(2) This part shall not be construed or enforced so as to interfere with the requirements of Chapter 4 (commencing with Section 113980) to Chapter 13 (commencing with Section 114380), inclusive, of Part 7 of Division 104 of the Health and Safety Code, or any requirement or standard for the protection of public health, public safety, or worker safety established by federal, state, or local government or recommended by recognized standard setting organizations or trade associations.

10608.28. (a) An urban retail water supplier may meet its urban water use target within its retail service area, or through mutual agreement, by any of the following:

(1) Through an urban wholesale water supplier.

(2) Through a regional agency authorized to plan and implement water conservation, including, but not limited to, an agency established under the Bay Area Water Supply and Conservation Agency Act (Division 31 (commencing with Section 81300)).

(3) Through a regional water management group as defined in Section 10537.

(4) By an integrated regional water management funding area.

(5) By hydrologic region.

(6) Through other appropriate geographic scales for which computation methods have been developed by the department.

(b) A regional water management group, with the written consent of its member agencies, may undertake any or all planning, reporting, and implementation functions under this chapter for the member agencies that consent to those activities. Any data or reports shall provide information both for the regional water management group and separately for each consenting urban retail water supplier and urban wholesale water supplier.

10608.32. All costs incurred pursuant to this part by a water utility regulated by the Public Utilities Commission may be recoverable in rates subject to review and approval by the Public Utilities Commission, and may be recorded in a memorandum account and reviewed for reasonableness by the Public Utilities Commission.

10608.36. Urban wholesale water suppliers shall include in the urban water management plans required pursuant to Part 2.6 (commencing with Section 10610) an assessment of their present and proposed future measures, programs, and policies to help achieve the water use reductions required by this part.

10608.40. Urban water retail suppliers shall report to the department on their progress in meeting their urban water use targets as part of their urban water management plans submitted pursuant to Section 10631. The data shall be reported using a standardized form developed pursuant to Section 10608.52.

10608.42. The department shall review the 2015 urban water management plans and report to the Legislature by December 31, 2016, on progress towards achieving a 20-percent reduction in urban water use by December 31, 2020. The report shall include recommendations on changes to water efficiency standards or urban water use targets in order to achieve

the 20-percent reduction and to reflect updated efficiency information and technology changes.

10608.43. The department, in conjunction with the California Urban Water Conservation Council, by April 1, 2010, shall convene a representative task force consisting of academic experts, urban retail water suppliers, environmental organizations, commercial water users, industrial water users, and institutional water users to develop alternative best management practices for commercial, industrial, and institutional users and an assessment of the potential statewide water use efficiency improvement in the commercial, industrial, and institutional sectors that would result from implementation of these best management practices. The taskforce, in conjunction with the department, shall submit a report to the Legislature by April 1, 2012, that shall include a review of multiple sectors within commercial, industrial, and institutional users and that shall recommend water use efficiency standards for commercial, industrial, and institutional users among various sectors of water use. The report shall include, but not be limited to, the following:

(a) Appropriate metrics for evaluating commercial, industrial, and institutional water use.

(b) Evaluation of water demands for manufacturing processes, goods, and cooling.

(c) Evaluation of public infrastructure necessary for delivery of recycled water to the commercial, industrial, and institutional sectors.

(d) Evaluation of institutional and economic barriers to increased recycled water use within the commercial, industrial, and institutional sectors.

(e) Identification of technical feasibility and cost of the best management practices to achieve more efficient water use statewide in the commercial, industrial, and institutional sectors that is consistent with the public interest and reflects past investments in water use efficiency.

10608.44. Each state agency shall reduce water use on facilities it operates to support urban retail water suppliers in meeting the target identified in Section 10608.16.

#### CHAPTER 4. AGRICULTURAL WATER SUPPLIERS

10608.48. (a) On or before July 31, 2012, an agricultural water supplier shall implement efficient water management practices pursuant to subdivisions (b) and (c).

(b) Agricultural water suppliers shall implement all of the following critical efficient management practices:

(1) Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).

(2) Adopt a pricing structure for water customers based at least in part on quantity delivered.

(c) Agricultural water suppliers shall implement additional efficient management practices, including, but not limited to, practices to accomplish all of the following, if the measures are locally cost effective and technically feasible:

(1) Facilitate alternative land use for lands with exceptionally high water duties or whose irrigation contributes to significant problems, including drainage.

(2) Facilitate use of available recycled water that otherwise would not be used beneficially, meets all health and safety criteria, and does not harm crops or soils.

(3) Facilitate the financing of capital improvements for on-farm irrigation systems.

(4) Implement an incentive pricing structure that promotes one or more of the following goals:

(A) More efficient water use at the farm level.

(B) Conjunctive use of groundwater.

(C) Appropriate increase of groundwater recharge.

(D) Reduction in problem drainage.

(E) Improved management of environmental resources.

(F) Effective management of all water sources throughout the year by adjusting seasonal pricing structures based on current conditions.

(5) Expand line or pipe distribution systems, and construct regulatory reservoirs to increase distribution system flexibility and capacity, decrease maintenance, and reduce seepage.

(6) Increase flexibility in water ordering by, and delivery to, water customers within operational limits.

(7) Construct and operate supplier spill and tailwater recovery systems.

(8) Increase planned conjunctive use of surface water and groundwater within the supplier service area.

(9) Automate canal control structures.

(10) Facilitate or promote customer pump testing and evaluation.

(11) Designate a water conservation coordinator who will develop and implement the water management plan and prepare progress reports.

(12) Provide for the availability of water management services to water users. These services may include, but are not limited to, all of the following:

(A) On-farm irrigation and drainage system evaluations.

(B) Normal year and real-time irrigation scheduling and crop evapotranspiration information.

(C) Surface water, groundwater, and drainage water quantity and quality data.

(D) Agricultural water management educational programs and materials for farmers, staff, and the public.

(13) Evaluate the policies of agencies that provide the supplier with water to identify the potential for institutional changes to allow more flexible water deliveries and storage.

(14) Evaluate and improve the efficiencies of the supplier's pumps.

(d) Agricultural water suppliers shall include in the agricultural water management plans required pursuant to Part 2.8 (commencing with Section 10800) a report on which efficient water management practices have been implemented and are planned to be implemented, an estimate of the water use efficiency improvements that have occurred since the last report, and an estimate of the water use efficiency improvements estimated to occur five and 10 years in the future. If an agricultural water supplier determines that an efficient water management practice is not locally cost effective or technically feasible, the supplier shall submit information documenting that determination.

(e) The data shall be reported using a standardized form developed pursuant to Section 10608.52.

(f) An agricultural water supplier may meet the requirements of subdivisions (d) and (e) by submitting to the department a water conservation plan submitted to the United States Bureau of Reclamation that meets the requirements described in Section 10828.

(g) On or before December 31, 2013, December 31, 2016, and December 31, 2021, the department, in consultation with the board, shall submit to the Legislature a report on the agricultural efficient water management practices that have been implemented and are planned to be implemented and an assessment of the manner in which the implementation of those efficient water management practices has affected and will affect agricultural operations, including estimated water use efficiency improvements, if any.

(h) The department may update the efficient water management practices required pursuant to subdivision (c), in consultation with the Agricultural Water Management Council, the United States Bureau of Reclamation, and the board. All efficient water management practices for agricultural water use pursuant to this chapter shall be adopted or revised by the department only after the department conducts public hearings to allow participation of the diverse geographical areas and interests of the state.

(i) (1) The department shall adopt regulations that provide for a range of options that agricultural water suppliers may use or implement to comply with the measurement requirement in paragraph (1) of subdivision (b).

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code.

CHAPTER 5. SUSTAINABLE WATER MANAGEMENT

10608.50. (a) The department, in consultation with the board, shall promote implementation of regional water resources management practices through increased incentives and removal of barriers consistent with state and federal law. Potential changes may include, but are not limited to, all of the following:

(1) Revisions to the requirements for urban and agricultural water management plans.

(2) Revisions to the requirements for integrated regional water management plans.

(3) Revisions to the eligibility for state water management grants and loans.

(4) Revisions to state or local permitting requirements that increase water supply opportunities, but do not weaken water quality protection under state and federal law.

(5) Increased funding for research, feasibility studies, and project construction.

(6) Expanding technical and educational support for local land use and water management agencies.

(b) No later than January 1, 2011, and updated as part of the California Water Plan, the department, in consultation with the board, and with public input, shall propose new statewide targets, or review and update existing statewide targets, for regional water resources management practices, including, but not limited to, recycled water, brackish groundwater desalination, and infiltration and direct use of urban stormwater runoff.

CHAPTER 6. STANDARDIZED DATA COLLECTION

10608.52. (a) The department, in consultation with the board, the California Bay-Delta Authority or its successor agency, the State Department of Public Health, and the Public Utilities Commission, shall develop a single standardized water use reporting form to meet the water use information needs of each agency, including the needs of urban water suppliers that elect to determine and report progress toward achieving targets on a regional basis as provided in subdivision (a) of Section 10608.28.

(b) At a minimum, the form shall be developed to accommodate information sufficient to assess an urban water supplier's compliance with conservation targets pursuant to Section 10608.24 and an agricultural water supplier's compliance with implementation of efficient water management practices pursuant to subdivision (a) of Section 10608.48. The form shall accommodate reporting by urban water suppliers on an individual or regional basis as provided in subdivision (a) of Section 10608.28.

## CHAPTER 7. FUNDING PROVISIONS

10608.56. (a) On and after July 1, 2016, an urban retail water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

(b) On and after July 1, 2013, an agricultural water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

(c) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for achieving the per capita reductions. The supplier may request grant or loan funds to achieve the per capita reductions to the extent the request is consistent with the eligibility requirements applicable to the water funds.

(d) Notwithstanding subdivision (b), the department shall determine that an agricultural water supplier is eligible for a water grant or loan even though the supplier is not implementing all of the efficient water management practices described in Section 10608.48, if the agricultural water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the efficient water management practices. The supplier may request grant or loan funds to implement the efficient water management practices to the extent the request is consistent with the eligibility requirements applicable to the water funds.

(e) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval documentation demonstrating that its entire service area qualifies as a disadvantaged community.

(f) The department shall not deny eligibility to an urban retail water supplier or agricultural water supplier in compliance with the requirements of this part and Part 2.8 (commencing with Section 10800), that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of the agencies participating in the project or plan is not implementing all of the requirements of this part or Part 2.8 (commencing with Section 10800).

10608.60. (a) It is the intent of the Legislature that funds made available by Section 75026 of the Public Resources Code should be expended, consistent with Division 43 (commencing with Section 75001) of the Public Resources Code and upon appropriation by the Legislature, for grants to implement this part. In the allocation of funding, it is the intent of the

Legislature that the department give consideration to disadvantaged communities to assist in implementing the requirements of this part.

(b) It is the intent of the Legislature that funds made available by Section 75041 of the Public Resources Code, should be expended, consistent with Division 43 (commencing with Section 75001) of the Public Resources Code and upon appropriation by the Legislature, for direct expenditures to implement this part.

CHAPTER 8. QUANTIFYING AGRICULTURAL WATER USE EFFICIENCY

10608.64. The department, in consultation with the Agricultural Water Management Council, academic experts, and other stakeholders, shall develop a methodology for quantifying the efficiency of agricultural water use. Alternatives to be assessed shall include, but not be limited to, determination of efficiency levels based on crop type or irrigation system distribution uniformity. On or before December 31, 2011, the department shall report to the Legislature on a proposed methodology and a plan for implementation. The plan shall include the estimated implementation costs and the types of data needed to support the methodology. Nothing in this section authorizes the department to implement a methodology established pursuant to this section.

SEC. 2. Section 10631.5 of the Water Code is amended to read:

10631.5. (a) (1) Beginning January 1, 2009, the terms of, and eligibility for, a water management grant or loan made to an urban water supplier and awarded or administered by the department, state board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of the water demand management measures described in Section 10631, as determined by the department pursuant to subdivision (b).

(2) For the purposes of this section, water management grants and loans include funding for programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability, and water supply augmentation. This section does not apply to water management projects funded by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(3) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if the urban water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the water demand management measures. The supplier may request grant or loan funds to implement the water demand management measures to the extent the request is consistent with the eligibility requirements applicable to the water management funds.

(4) (A) Notwithstanding paragraph (1), the department shall determine that an urban water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the water demand management measures described in Section 10631, if an urban water supplier submits to the department for approval documentation demonstrating that a water demand management measure is not locally cost effective. If the department determines that the documentation submitted by the urban water supplier fails to demonstrate that a water demand management measure is not locally cost effective, the department shall notify the urban water supplier and the agency administering the grant or loan program within 120 days that the documentation does not satisfy the requirements for an exemption, and include in that notification a detailed statement to support the determination.

(B) For purposes of this paragraph, “not locally cost effective” means that the present value of the local benefits of implementing a water demand management measure is less than the present value of the local costs of implementing that measure.

(b) (1) The department, in consultation with the state board and the California Bay-Delta Authority or its successor agency, and after soliciting public comment regarding eligibility requirements, shall develop eligibility requirements to implement the requirement of paragraph (1) of subdivision (a). In establishing these eligibility requirements, the department shall do both of the following:

(A) Consider the conservation measures described in the Memorandum of Understanding Regarding Urban Water Conservation in California, and alternative conservation approaches that provide equal or greater water savings.

(B) Recognize the different legal, technical, fiscal, and practical roles and responsibilities of wholesale water suppliers and retail water suppliers.

(2) (A) For the purposes of this section, the department shall determine whether an urban water supplier is implementing all of the water demand management measures described in Section 10631 based on either, or a combination, of the following:

(i) Compliance on an individual basis.

(ii) Compliance on a regional basis. Regional compliance shall require participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and the department with data to demonstrate that the regional program is consistent with this clause. The department shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements.

(B) The department may require additional information for any determination pursuant to this section.

(3) The department shall not deny eligibility to an urban water supplier in compliance with the requirements of this section that is participating in a multiagency water project, or an integrated regional water management plan, developed pursuant to Section 75026 of the Public Resources Code, solely on the basis that one or more of the agencies participating in the project or plan is not implementing all of the water demand management measures described in Section 10631.

(c) In establishing guidelines pursuant to the specific funding authorization for any water management grant or loan program subject to this section, the agency administering the grant or loan program shall include in the guidelines the eligibility requirements developed by the department pursuant to subdivision (b).

(d) Upon receipt of a water management grant or loan application by an agency administering a grant and loan program subject to this section, the agency shall request an eligibility determination from the department with respect to the requirements of this section. The department shall respond to the request within 60 days of the request.

(e) The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities. In addition, for urban water suppliers that are signatories to the Memorandum of Understanding Regarding Urban Water Conservation in California and submit biennial reports to the California Urban Water Conservation Council in accordance with the memorandum, the department may use these reports to assist in tracking the implementation of water demand management measures.

(f) This section shall remain in effect only until July 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2016, deletes or extends that date.

SEC. 3. Part 2.8 (commencing with Section 10800) of Division 6 of the Water Code is repealed.

SEC. 4. Part 2.8 (commencing with Section 10800) is added to Division 6 of the Water Code, to read:

PART 2.8. AGRICULTURAL WATER MANAGEMENT PLANNING

CHAPTER 1. GENERAL DECLARATIONS AND POLICY

10800. This part shall be known and may be cited as the Agricultural Water Management Planning Act.

10801. The Legislature finds and declares all of the following:

- (a) The waters of the state are a limited and renewable resource.
- (b) The California Constitution requires that water in the state be used in a reasonable and beneficial manner.
- (c) Urban water districts are required to adopt water management plans.

(d) The conservation of agricultural water supplies is of great statewide concern.

(e) There is a great amount of reuse of delivered water, both inside and outside the water service areas.

(f) Significant noncrop beneficial uses are associated with agricultural water use, including streamflows and wildlife habitat.

(g) Significant opportunities exist in some areas, through improved irrigation water management, to conserve water or to reduce the quantity of highly saline or toxic drainage water.

(h) Changes in water management practices should be carefully planned and implemented to minimize adverse effects on other beneficial uses currently being served.

(i) Agricultural water suppliers that receive water from the federal Central Valley Project are required by federal law to prepare and implement water conservation plans.

(j) Agricultural water users applying for a permit to appropriate water from the board are required to prepare and implement water conservation plans.

10802. The Legislature finds and declares that all of the following are the policies of the state:

(a) The conservation of water shall be pursued actively to protect both the people of the state and the state's water resources.

(b) The conservation of agricultural water supplies shall be an important criterion in public decisions with regard to water.

(c) Agricultural water suppliers shall be required to prepare water management plans to achieve conservation of water.

#### CHAPTER 2. DEFINITIONS

10810. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part.

10811. "Agricultural water management plan" or "plan" means an agricultural water management plan prepared pursuant to this part.

10812. "Agricultural water supplier" has the same meaning as defined in Section 10608.12.

10813. "Customer" means a purchaser of water from a water supplier who uses water for agricultural purposes.

10814. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of that entity.

10815. "Public agency" means any city, county, city and county, special district, or other public entity.

10816. "Urban water supplier" has the same meaning as set forth in Section 10617.

10817. “Water conservation” means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

CHAPTER 3. AGRICULTURAL WATER MANAGEMENT PLANS

Article 1. General Provisions

10820. (a) An agricultural water supplier shall prepare and adopt an agricultural water management plan in the manner set forth in this chapter on or before December 31, 2012, and shall update that plan on December 31, 2015, and on or before December 31 every five years thereafter.

(b) Every supplier that becomes an agricultural water supplier after December 31, 2012, shall prepare and adopt an agricultural water management plan within one year after the date it has become an agricultural water supplier.

(c) A water supplier that indirectly provides water to customers for agricultural purposes shall not prepare a plan pursuant to this part without the consent of each agricultural water supplier that directly provides that water to its customers.

10821. (a) An agricultural water supplier required to prepare a plan pursuant to this part shall notify each city or county within which the supplier provides water supplies that the agricultural water supplier will be preparing the plan or reviewing the plan and considering amendments or changes to the plan. The agricultural water supplier may consult with, and obtain comments from, each city or county that receives notice pursuant to this subdivision.

(b) The amendments to, or changes in, the plan shall be adopted and submitted in the manner set forth in Article 3 (commencing with Section 10840).

Article 2. Contents of Plans

10825. (a) It is the intent of the Legislature in enacting this part to allow levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

(b) This part does not require the implementation of water conservation programs or practices that are not locally cost effective.

10826. An agricultural water management plan shall be adopted in accordance with this chapter. The plan shall do all of the following:

(a) Describe the agricultural water supplier and the service area, including all of the following:

- (1) Size of the service area.
- (2) Location of the service area and its water management facilities.
- (3) Terrain and soils.
- (4) Climate.

- (5) Operating rules and regulations.
- (6) Water delivery measurements or calculations.
- (7) Water rate schedules and billing.
- (8) Water shortage allocation policies.
- (b) Describe the quantity and quality of water resources of the agricultural water supplier, including all of the following:
  - (1) Surface water supply.
  - (2) Groundwater supply.
  - (3) Other water supplies.
  - (4) Source water quality monitoring practices.
  - (5) Water uses within the agricultural water supplier's service area, including all of the following:
    - (A) Agricultural.
    - (B) Environmental.
    - (C) Recreational.
    - (D) Municipal and industrial.
    - (E) Groundwater recharge.
    - (F) Transfers and exchanges.
    - (G) Other water uses.
  - (6) Drainage from the water supplier's service area.
  - (7) Water accounting, including all of the following:
    - (A) Quantifying the water supplier's water supplies.
    - (B) Tabulating water uses.
    - (C) Overall water budget.
    - (8) Water supply reliability.
- (c) Include an analysis, based on available information, of the effect of climate change on future water supplies.
- (d) Describe previous water management activities.
- (e) Include in the plan the water use efficiency information required pursuant to Section 10608.48.

10827. Agricultural water suppliers that are members of the Agricultural Water Management Council, and that submit water management plans to that council in accordance with the "Memorandum of Understanding Regarding Efficient Water Management Practices By Agricultural Water Suppliers In California," dated January 1, 1999, may submit the water management plans identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of Section 10826.

10828. (a) Agricultural water suppliers that are required to submit water conservation plans to the United States Bureau of Reclamation pursuant to either the Central Valley Project Improvement Act (Public Law 102-575) or the Reclamation Reform Act of 1982, or both, may submit those water conservation plans to satisfy the requirements of Section 10826, if both of the following apply:

- (1) The agricultural water supplier has adopted and submitted the water conservation plan to the United States Bureau of Reclamation within the previous four years.

(2) The United States Bureau of Reclamation has accepted the water conservation plan as adequate.

(b) This part does not require agricultural water suppliers that are required to submit water conservation plans to the United States Bureau of Reclamation pursuant to either the Central Valley Project Improvement Act (Public Law 102-575) or the Reclamation Reform Act of 1982, or both, to prepare and adopt water conservation plans according to a schedule that is different from that required by the United States Bureau of Reclamation.

10829. An agricultural water supplier may satisfy the requirements of this part by adopting an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) or by participation in areawide, regional, watershed, or basinwide water management planning if those plans meet or exceed the requirements of this part.

### Article 3. Adoption and Implementation of Plans

10840. Every agricultural water supplier shall prepare its plan pursuant to Article 2 (commencing with Section 10825).

10841. Prior to adopting a plan, the agricultural water supplier shall make the proposed plan available for public inspection, and shall hold a public hearing on the plan. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned agricultural water supplier pursuant to Section 6066 of the Government Code. A privately owned agricultural water supplier shall provide an equivalent notice within its service area and shall provide a reasonably equivalent opportunity that would otherwise be afforded through a public hearing process for interested parties to provide input on the plan. After the hearing, the plan shall be adopted as prepared or as modified during or after the hearing.

10842. An agricultural water supplier shall implement the plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan, as determined by the governing body of the agricultural water supplier.

10843. (a) An agricultural water supplier shall submit to the entities identified in subdivision (b) a copy of its plan no later than 30 days after the adoption of the plan. Copies of amendments or changes to the plans shall be submitted to the entities identified in subdivision (b) within 30 days after the adoption of the amendments or changes.

(b) An agricultural water supplier shall submit a copy of its plan and amendments or changes to the plan to each of the following entities:

- (1) The department.
- (2) Any city, county, or city and county within which the agricultural water supplier provides water supplies.
- (3) Any groundwater management entity within which jurisdiction the agricultural water supplier extracts or provides water supplies.
- (4) Any urban water supplier within which jurisdiction the agricultural water supplier provides water supplies.

(5) Any city or county library within which jurisdiction the agricultural water supplier provides water supplies.

(6) The California State Library.

(7) Any local agency formation commission serving a county within which the agricultural water supplier provides water supplies.

10844. (a) Not later than 30 days after the date of adopting its plan, the agricultural water supplier shall make the plan available for public review on the agricultural water supplier's Internet Web site.

(b) An agricultural water supplier that does not have an Internet Web site shall submit to the department, not later than 30 days after the date of adopting its plan, a copy of the adopted plan in an electronic format. The department shall make the plan available for public review on the department's Internet Web site.

10845. (a) The department shall prepare and submit to the Legislature, on or before December 31, 2013, and thereafter in the years ending in six and years ending in one, a report summarizing the status of the plans adopted pursuant to this part.

(b) The report prepared by the department shall identify the outstanding elements of any plan adopted pursuant to this part. The report shall include an evaluation of the effectiveness of this part in promoting efficient agricultural water management practices and recommendations relating to proposed changes to this part, as appropriate.

(c) The department shall provide a copy of the report to each agricultural water supplier that has submitted its plan to the department. The department shall also prepare reports and provide data for any legislative hearing designed to consider the effectiveness of plans submitted pursuant to this part.

(d) This section does not authorize the department, in preparing the report, to approve, disapprove, or critique individual plans submitted pursuant to this part.

#### CHAPTER 4. MISCELLANEOUS PROVISIONS

10850. (a) Any action or proceeding to attack, review, set aside, void, or annul the acts or decisions of an agricultural water supplier on the grounds of noncompliance with this part shall be commenced as follows:

(1) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.

(2) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 120 days after submitting the plan or amendments to the plan to entities in accordance with Section 10844 or the taking of that action.

(b) In an action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an agricultural water supplier, on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse

of discretion is established if the agricultural water supplier has not proceeded in a manner required by law, or if the action by the agricultural water supplier is not supported by substantial evidence.

10851. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part. This part does not exempt projects for implementation of the plan or for expanded or additional water supplies from the California Environmental Quality Act.

10852. An agricultural water supplier is not eligible for a water grant or loan awarded or administered by the state unless the supplier complies with this part.

10853. No agricultural water supplier that provides water to less than 25,000 irrigated acres, excluding recycled water, shall be required to implement the requirements of this part or Part 2.55 (commencing with Section 10608) unless sufficient funding has specifically been provided to that water supplier for these purposes.

SEC. 5. This act shall take effect only if Senate Bill 1 and Senate Bill 6 of the 2009–10 Seventh Extraordinary Session of the Legislature are enacted and become effective.

# **Appendix B**

## **DWR Checklist Form**

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**Table I-2 Urban Water Management Plan checklist, organized by subject**

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
<b>PLAN PREPARATION</b>				
4	Coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.	10620(d)(2)		Section 1, Pg. 4-6
6	Notify, at least 60 days prior to the public hearing on the plan required by Section 10642, any city or county within which the supplier provides water that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. Any city or county receiving the notice may be consulted and provide comments.	10621(b)		Section 1, Pg. 4 and Appendix C
7	Provide supporting documentation that the UWMP or any amendments to, or changes in, have been adopted as described in Section 10640 et seq.	10621(c)		Section 1, Pg. 4 and Appendix C
54	Provide supporting documentation that the urban water management plan has been or will be provided to any city or county within which it provides water, no later than 60 days after the submission of this urban water management plan.	10635(b)		Section 1, Pg. 4 If item no. 59 is met, then item 54 is met as well
55	Provide supporting documentation that the water supplier has encouraged active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan.	10642		Section 1, Pg. 4
56	Provide supporting documentation that the urban water supplier made the plan available for public inspection and held a public hearing about the plan. For public agencies, the hearing notice is to be provided pursuant to Section 6066 of the Government Code. The water supplier is to provide the time and place of the hearing to any city or county within which the supplier provides water. Privately-owned water suppliers shall provide an equivalent notice within its service area.	10642		Section 1, Pg. 4-5 and Appendix C
57	Provide supporting documentation that the plan has been adopted as prepared or modified.	10642	What is the difference between item 7 and 58	Section 1, Pg. 4
58	Provide supporting documentation as to how the water supplier plans to implement its plan.	10643		Section 1, Pg. 5-6

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
59	Provide supporting documentation that, in addition to submittal to DWR, the urban water supplier has submitted this UWMP to the California State Library and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. This also includes amendments or changes.	10644(a)		Section 1, Pg. 4
60	Provide supporting documentation that, not later than 30 days after filing a copy of its plan with the department, the urban water supplier has or will make the plan available for public review during normal business hours	10645		Section 1, Pg. 4
<b>SYSTEM DESCRIPTION</b>				
8	Describe the water supplier service area.	10631(a)		Section 1, Pg. 6-7
9	Describe the climate and other demographic factors of the service area of the supplier	10631(a)		Section 1, Pg. 6-9
10	Indicate the current population of the service area	10631(a)	Provide the most recent population data possible. Use the method described in "Baseline Daily Per Capita Water Use." See Section M.	Section 1, Pg. 9-10
11	Provide population projections for 2015, 2020, 2025, and 2030, based on data from State, regional, or local service area population projections.	10631(a)	2035 and 2040 can also be provided to support consistency with Water Supply Assessments and Written Verification of Water Supply documents.	Section 1, Pg. 10
12	Describe other demographic factors affecting the supplier's water management planning.	10631(a)		Section 1, Pg. 9-10
<b>SYSTEM DEMANDS</b>				
1	Provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.	10608.20(e)		Section 5, Pg. 1 and Appendix F
2	<i>Wholesalers:</i> Include an assessment of present and proposed future measures, programs, and policies to help achieve the water use reductions. <i>Retailers:</i> Conduct at least one public hearing that includes general discussion of the urban retail water supplier's implementation plan for complying with the Water Conservation Bill of 2009.	10608.36 10608.26(a)	Retailers and wholesalers have slightly different requirements	Section 1, Pg. 4-5 Public Hearing held on June 22, 2011

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
3	Report progress in meeting urban water use targets using the standardized form.	10608.40		Section 5, Pg. 5-6
25	Quantify past, current, and projected water use, identifying the uses among water use sectors, for the following: (A) single-family residential, (B) multifamily, (C) commercial, (D) industrial, (E) institutional and governmental, (F) landscape, (G) sales to other agencies, (H) saline water intrusion barriers, groundwater recharge, conjunctive use, and (I) agriculture.	10631(e)(1)	Consider 'past' to be 2005, present to be 2010, and projected to be 2015, 2020, 2025, and 2030. Provide numbers for each category for each of these years.	Section 6, Pg. 1-2
33	Provide documentation that either the retail agency provided the wholesale agency with water use projections for at least 20 years, if the UWMP agency is a retail agency, OR, if a wholesale agency, it provided its urban retail customers with future planned and existing water source available to it from the wholesale agency during the required water-year types	10631(k)	Average year, single dry year, multiple dry years for 2015, 2020, 2025, and 2030.	Section 5, Pg. 1-4
34	Include projected water use for single-family and multifamily residential housing needed for lower income households, as identified in the housing element of any city, county, or city and county in the service area of the supplier.	10631.1(a)		Section 5, Pg. 4-5
<b>SYSTEM SUPPLIES</b>				
13	Identify and quantify the existing and planned sources of water available for 2015, 2020, 2025, and 2030.	10631(b)	The 'existing' water sources should be for the same year as the "current population" in line 10. 2035 and 2040 can also be provided.	Section 2, Pg. 4-13 and Section 5, Pg. 2-4
14	Indicate whether groundwater is an existing or planned source of water available to the supplier. If yes, then complete 15 through 21 of the UWMP Checklist. If no, then indicate "not applicable" in lines 15 through 21 under the UWMP location column.	10631(b)	Source classifications are: surface water, groundwater, recycled water, storm water, desalinated sea water, desalinated brackish groundwater, and other.	Section 2, Pg. 4-13
15	Indicate whether a groundwater management plan been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.	10631(b)(1)		Section 2, Pg. 10-11
16	Describe the groundwater basin.	10631(b)(2)		Section 2, Pg. 4-5
17	Indicate whether the groundwater basin is adjudicated? Include a copy of the court order or decree.	10631(b)(2)		Section 2, Pg. 5-7 Appendix D

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
18	Describe the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. If the basin is not adjudicated, indicate "not applicable" in the UWMP location column.	10631(b)(2)		Section 2, Pg. 1
19	For groundwater basins that are not adjudicated, provide information as to whether DWR has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition. If the basin is adjudicated, indicate "not applicable" in the UWMP location column.	10631(b)(2)		Not Applicable
20	Provide a detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years	10631(b)(3)		Section 2, Pg. 11-12
21	Provide a detailed description and analysis of the amount and location of groundwater that is projected to be pumped.	10631(b)(4)	Provide projections for 2015, 2020, 2025, and 2030.	Section 2, Pg. 13
24	Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.	10631(d)		Section 4, Pg. 12
30	Include a detailed description of all water supply projects and programs that may be undertaken by the water supplier to address water supply reliability in average, single-dry, and multiple-dry years, excluding demand management programs addressed in (f)(1). Include specific projects, describe water supply impacts, and provide a timeline for each project.	10631(h)		Section 4, Pg. 9-11
31	Describe desalinated water project opportunities for long-term supply, including, but not limited to, ocean water, brackish water, and groundwater.	10631(i)		Section 4, Pg. 12
44	Provide information on recycled water and its potential for use as a water source in the service area of the urban water supplier. Coordinate with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.	10633		Section 9, Pg. 1-3
45	Describe the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.	10633(a)		Section 9, Pg. 1-2

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
46	Describe the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.	10633(b)		Section 9, Pg. 1-2
47	Describe the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.	10633(c)		Section 9, Pg. 1
48	Describe and quantify the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.	10633(d)		Section 2, Pg. 13 Section 9, Pg. 2
49	The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected.	10633(e)		Section 6, Pg. 2
50	Describe the actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.	10633(f)		Section 9, Pg. 3
51	Provide a plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.	10633(g)		Section 9, Pg. 3
<b>WATER SHORTAGE RELIABILITY AND WATER SHORTAGE CONTINGENCY PLANNING <sup>b</sup></b>				
5	Describe water management tools and options to maximize resources and minimize the need to import water from other regions.	10620(f)		Section 7, Pg 1-9
22	Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage and provide data for (A) an average water year, (B) a single dry water year, and (C) multiple dry water years.	10631(c)(1)		Section 4, Pg. 8-9 and Section 5, Pg. 1-3
23	For any water source that may not be available at a consistent level of use - given specific legal, environmental, water quality, or climatic factors - describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.	10631(c)(2)		Section 4, Pg. 9-11 and Section 7, Pg 1 -9
35	Provide an urban water shortage contingency analysis that specifies stages of action, including up to a 50-percent water supply reduction, and an outline of specific water supply conditions at each stage	10632(a)		Section 8, Pg. 1-2

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
36	Provide an estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.	10632(b)		Section 8, Pg. 5
37	Identify actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.	10632(c)		Section 8, Pg. 6-7
38	Identify additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.	10632(d)		Section 8, Pg. 2-3 and Appendix G-H
39	Specify consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.	10632(e)		Section 8, Pg. 1-2 and 6
40	Indicated penalties or charges for excessive use, where applicable.	10632(f)		Section 8, Pg. 6 and Appendix H
41	Provide an analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.	10632(g)		Section 8, Pg. 6-7
42	Provide a draft water shortage contingency resolution or ordinance.	10632(h)		Appendix G and H
43	Indicate a mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.	10632(i)		Section 8, Pg. 7
52	Provide information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments, and the manner in which water quality affects water management strategies and supply reliability	10634	For years 2010, 2015, 2020, 2025, and 2030	Section 3, Pg. 1-5

No.	UWMP requirement <sup>a</sup>	Calif. Water Code reference	Additional clarification	UWMP location
53	Assess the water supply reliability during normal, dry, and multiple dry water years by comparing the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. Base the assessment on the information compiled under Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.	10635(a)		Section 5, Pg. 1-4
<b>DEMAND MANAGEMENT MEASURES</b>				
26	Describe how each water demand management measures is being implemented or scheduled for implementation. Use the list provided.	10631(f)(1)	Discuss each DMM, even if it is not currently or planned for implementation. Provide any appropriate schedules.	Section 7, Pg 1-9
27	Describe the methods the supplier uses to evaluate the effectiveness of DMMs implemented or described in the UWMP.	10631(f)(3)		Section 7, Pg. 1-9
28	Provide an estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the ability to further reduce demand.	10631(f)(4)		Section 7, Pg. 9
29	Evaluate each water demand management measure that is not currently being implemented or scheduled for implementation. The evaluation should include economic and non-economic factors, cost-benefit analysis, available funding, and the water suppliers' legal authority to implement the work.	10631(g)	See 10631(g) for additional wording.	Section 7, Pg 1-9
32	Include the annual reports submitted to meet the Section 6.2 requirements, if a member of the CUWCC and signer of the December 10, 2008 MOU.	10631(j)	Signers of the MOU that submit the annual reports are deemed compliant with Items 28 and 29.	Not Applicable

a The UWMP Requirement descriptions are general summaries of what is provided in the legislation. Urban water suppliers should review the exact legislative wording prior to submitting its UWMP.

b The Subject classification is provided for clarification only. It is aligned with the organization presented in Part I of this guidebook. A water supplier is free to address the UWMP Requirement anywhere with its UWMP, but is urged to provide clarification to DWR to facilitate review.

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## **Appendix C**

Notice of Public Hearing, Resolution of Plan Adoption, Proof of  
Publication of Public Hearing Notice and 60-day Notice of Public  
Hearing Letter

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**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,  
County of San Bernardino**

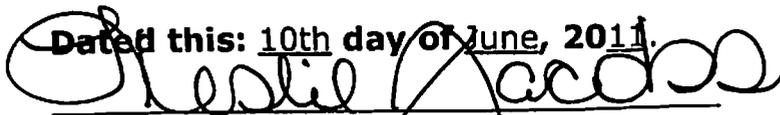
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 10

**All in the year 2011.**

**I certify (or declare) under penalty of perjury that the foregoing is true and correct.**

**Dated this: 10th day of June, 2011.**



**Signature**

Leslie Jacobs

**This space is the County Clerk's Filing Stamp**

**Proof of Publication of  
NOTICE OF PUBLIC  
HEARING**

**CITY OF ADELANTO  
NOTICE OF PUBLIC  
HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing for the following project will be held before the City of Adelanto City Council in the City Council Chambers, 11600 Air Expressway, Adelanto, California 92301, on Wednesday, June 22, 2011 at 7:00 p.m.

**2010 Water Management Plan:** The City Council will consider adoption of the draft 2010 Urban Water Management Plan (UWMP) as prepared in accordance with the California Urban Water Management Planning Act.

Any person may submit written comments to the City Council before the hearing or may appear and be heard before the City Council at the time of the hearing. If you challenge the City's action in court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Council at or before the public hearing. At the hearing or during deliberations, the City Council could approve a modified project or changes to the project proposal.

The proposed project application plans may be reviewed during regular business hours at the Adelanto City Hall, Planning Department, located at 11600 Air Expressway, Adelanto, California 92301. Further information concerning this matter may be obtained by contacting the Planning Department at (760) 246-2300 Ext. 3028.

Published in the  
Daily Press  
June 10, 2011  
(F-155)



**Cari Thomas**  
*Mayor*

**Ed Camargo**  
*Mayor Pro Tem*

**Steven R. Baisden**  
*Council Member*

**Trinidad Perez**  
*Council Member*

**Charles S. Valvo**  
*Council Member*

**D. James Hart, Ph.D.**  
*City Manager*

April 21, 2011

County of San Bernardino Planning Department  
Christine Kelly  
Planning Director  
385 N. Arrowhead Ave  
San Bernardino, Calif. 92415

City of Adelanto 2010 Urban Water Management Plan Update

Dear Ms. Kelly:

The City of Adelanto is in the process of preparing our 2010 Urban Water Management Plan (UWMP) in accordance with the California Water Management Planning Act (Act) of 1983, as amended. The Act requires water suppliers to develop an UWMP every five years in years ending in zero and five.

Recent amendments to the Act require providing a 60-day notice to cities and the county in which we provide water service. This letter serves as that notice. We anticipate holding a public hearing on June 22, 2011 to receive comments and adopt this UWMP. If you have any questions or comments regarding the preparation of this UWMP please feel free to contact me at (760) 246-2300 Ext 3031 or our consultant preparing the Plan, Harvey Gobas of Psomas at (714) 751-7373.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Gomez", is written over a faint, larger signature.

Rick Gomez, AICP  
Director of Development Services

Cc: City Council  
City Manager  
Harvey Gobas, Psomas

# **Appendix D**

## Mojave Basin Judgment

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**JUDGMENT AFTER TRIAL**

**JANUARY 10, 1996**

**MOJAVE BASIN AREA ADJUDICATION  
CITY OF BARSTOW, ET AL V. CITY OF ADELANTO, ET AL  
RIVERSIDE COUNTY SUPERIOR COURT CASE NO. 208568**



CHAMBERS OF  
VICTOR MICELI  
JUDGE OF THE SUPERIOR COURT

**Superior Court**  
STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

COURTHOUSE  
4050 MAIN STREET  
RIVERSIDE, CALIFORNIA 92501

January 10, 1996

TO: ALL PARTIES LISTED ON THE ATTACHED MAILING LIST  
FROM: E. MICHAEL KAISER, JUDGE *by ss*  
SUBJECT: CITY OF BARSTOW VS CITY OF ADELANTO, Case No.: 208568

The Judgment in the above-entitled case was signed on January 10, 1996. Please find attached the amended two pages of Exhibit B, Table B-1.

Please find attached two amended pages of Exhibit B, Table B-1.

~~12/10/92~~  
~~01/20/93~~  
~~02/02/93~~  
~~04/18/93~~  
~~04/28/93~~  
09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup>	BASE ANNUAL <sup>2</sup>	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
	PRODUCTION  (ACRE-FEET)	PRODUCTION  RIGHT (PERCENT)	FIRST  YEAR	SECOND <sup>3</sup>  YEAR	THIRD <sup>3</sup>  YEAR	FOURTH <sup>3</sup>  YEAR	FIFTH <sup>3</sup>  YEAR
SAN BERNARDINO CO SERVICE AREA 70J	1,005	0.8213	1,005	954	904	854	804
SAN BERNARDINO CO SERVICE AREA 70L	355	0.2901	355	337	319	301	284
SAN FILIPPO, JOSEPH & SHELLEY	35	0.0286	35	33	31	29	28
SILVER LAKES ASSOCIATION	3,987	3.2583	3,987	3,787	3,588	3,388	3,189
SOUTHDOWN, INC	1,519	1.2414	1,519	1,443	1,367	1,291	1,215
SOUTHERN CALIFORNIA WATER COMPANY	940	0.7682	940	893	846	799	752
SPRING VALLEY LAKE ASSOCIATION	3,056	2.4974	3,056	2,903	2,750	2,597	2,444
SPRING VALLEY LAKE COUNTRY CLUB	977	0.7984	977	928	879	830	781
STORM, RANDALL	62	0.0507	62	58	55	52	49
SUDMEIER, GLENN W	121	0.0989	121	114	108	102	96
SUMMIT VALLEY RANCH	452	0.3694	452	429	406	384	361
TATRO, RICHARD K & SANDRA A	280	0.2288	280	266	252	238	224
TATUM, JAMES B	829	0.6775	829	787	746	704	663
TAYLOR, ALLEN C / HAYMAKER RANCH	456	0.3727	456	433	410	387	364
THOMAS, S DALE	440	0.3596	440	418	396	374	352
THOMAS, WALTER	36	0.0294	36	34	32	30	28
THOMPSON, JAMES A	418	0.3416	418	397	376	355	334
THOMPSON, RODGER	76	0.0621	76	72	68	64	60
THRASHER, GARY	373	0.3048	373	354	335	317	298
THUNDERBIRD COUNTY WATER DISTRICT	118	0.0964	118	112	106	100	94
TURNER, ROBERT	70	0.0572	70	66	63	59	56
VAIL, JOSEPH B & PAULA E	126	0.1030	126	119	113	107	100
* VAN BURGER, CARL	710	0.5802	710	674	639	603	568
VAN LEEUWEN FAMILY TRUST	341	0.2787	341	323	306	289	272

\* Durston Well, location 06N/04W-18F, APN 468-151-11 - water production right of 357 acre/feet, claimed by Durston/Van Burger/CVB Investments and Industrial Asphalt. Product right to be determined in a subsequent severed proceeding, jurisdiction reserved.

~~12/10/92~~  
~~01/20/93~~  
~~02/02/93~~  
~~01/10/93~~  
~~01/28/92~~  
09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN CENTRO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

CENTRO SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup>	BASE ANNUAL <sup>2</sup>	FREE PRODUCTION ALLOWANCES (ACRE-FBET)				
	PRODUCTION (ACRE-FBET)	PRODUCTION RIGHT (PERCENT)	FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
AGCON, INC	0	0.0000	0	0	0	0	0
AGUAYO, JEANETTE L	212	0.3742	212	201	190	180	169
ATCHISON, TOPEKA, SANTA FE RAILWAY CO	120	0.2118	120	114	108	102	96
AVDEEF, THOMAS	34	0.0600	34	32	30	28	27
AZTEC FARM DEVELOPMENT COMPANY (Now, Virgil Gorman)	220	0.3883	220	209	198	187	176
BARNES, PAY - EXECUTOR OF ESTATE OF WAYNE BARNES	243	0.4289	243	230	218	206	194
BROMMER, MARVIN	361	0.6372	361	342	324	306	288
BURNS, RITA J & PAMELA E	16	0.0282	16	15	14	13	12
CHAPA, LARRY R	96	0.1694	96	91	86	81	76
CHOI, YONG IL & JOUNG AE	38	0.0671	38	36	34	32	30
CHRISTISON, JOEL	75	0.1324	75	71	67	63	60
COOK, KWON W	169	0.2983	169	160	152	143	135
DE VRIES, NEIL	3,800	6.7070	3,800	3,610	3,420	3,230	3,040
DESERT COMMUNITY BANK	156	0.2753	156	148	140	132	124
DURAN, FRANK T	50	0.0883	50	47	45	42	40
GAINES, JACK	117	0.2065	117	111	105	99	93
GESIRIECH, WAYNE	121	0.2136	121	114	108	102	96
GORMAN, VIRGIL	138	0.2436	138	131	124	117	110
GRIEDER, RAYMOND H & DORISANNE	30	0.0530	30	28	27	25	24
GRILL, NICHOLAS P & MILLIE D	21	0.0371	21	19	18	17	16
GROEN, CORNELIS	1,043	1.8409	1,043	990	938	886	834
HANIFY, DBA - WHITE BEAR RANCH	152	0.2683	152	144	136	129	121
HARMSBN, JAMES & RUTH ANN	1,522	2.6863	1,522	1,445	1,369	1,293	1,217
HARPER LAKE COMPANY	1,433	2.5293	1,433	1,361	1,289	1,218	1,146

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Boyd L. Hill, (Bar No. 140435)

JAN 10 1996

5 Attorneys for

Cross-Complainant  
6 MOJAVE WATER AGENCY

ARTHUR A. BURNS, Clerk  
By *Y.A. Burns* Y.A. Burns  
Deputy

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF RIVERSIDE

10  
11 CITY OF BARSTOW, et al, )

CASE NO. 208568

12 Plaintiff, )

ASSIGNED TO JUDGE KAISER  
13 DEPT. 4 FOR ALL PURPOSES

14 v. )

JUDGMENT AFTER TRIAL

15 CITY OF ADELANTO, et al, )

16 Defendant. )

17 MOJAVE WATER AGENCY, )

18 Cross-complainant, )

19 v. )

20 ANDERSON, RONALD H. et al, )

21 Cross-defendants. )

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Exhibit "A" - Map entitled, "Map showing Mojave Water Agency, Mojave River, Mojave Basin Area and Hydrologic Subareas and Limits of Adjudicated Area Together with Geologic and Other Pertinent Features."

Exhibit "B" - Tables entitled, "Table B-1: Table Showing Base Annual Production, Base Annual Production Right of Each Producer Within Each Subarea, and Free Production Allowance for Subareas for First Five Years of the Judgment" and "Table B-2: Table Showing Total Water Production for Aquaculture and Recreational Lake Purposes."

Exhibit "C" - Engineering Appendix.

Exhibit "D" - Time Schedules.

Exhibit "E" - List of Producers and Their Designees.

Exhibit "F" - Transfers of Base Annual Production Rights.

Exhibit "G" - Subarea Obligations.

Exhibit "H" - Biological Resource Mitigation.

Exhibit "I" - Map Showing Potential Groundwater Recharge Areas

1 I. INTRODUCTION

2 A. The Complaint. The original complaint herein was filed  
3 by the City of Barstow and Southern California Water Company  
4 (collectively "Plaintiffs") in San Bernardino Superior Court, North  
5 Desert District, on May 30, 1990 as Case No. BCV6672, and  
6 transferred to Riverside County Superior Court on November 27,  
7 1990. Plaintiffs allege that the cumulative water Production  
8 upstream of the City of Barstow Overdrafted the Mojave River  
9 system, and request an average Annual flow of 30,000 acre-feet of  
10 surface water to the City of Barstow area. The complaint also  
11 includes a request for a writ of mandate to require the Mojave  
12 Water Agency ("MWA") to act pursuant to its statutory authority to  
13 obtain and provide Supplemental Water for use within the Mojave  
14 Basin Area.

15 B. The MWA Cross-Complaint. On July 26, 1991, the MWA filed  
16 its first amended cross-complaint in this case. The MWA first  
17 amended cross-complaint and its ROE amendments name Producers who  
18 collectively claim substantially all rights of water use within the  
19 Mojave Basin Area, including Parties downstream of the City of  
20 Barstow. The MWA cross-complaint, as currently amended, requests  
21 a declaration that the available native water supply to the Mojave  
22 Basin Area (not including water imported from the California State  
23 Water Project) is inadequate to meet the demands of the combined  
24 Parties and requests a determination of the water rights of  
25 whatever nature within the MWA boundaries and the Mojave Basin  
26 Area. The MWA has named as Parties several hundred Producers  
27 within the Basin Area.

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1 C. The Arc Las Flores Cross-Complaint. On July 3, 1991, Arc  
2 Las Flores filed a cross-complaint for declaratory relief seeking  
3 a declaration of water rights of certain named cross-defendants and  
4 a declaration that the appropriative, overlying and riparian rights  
5 of Arc Las Flores be determined to be prior and paramount to any  
6 rights of the Plaintiffs and other appropriators.

7 D. Stipulation and Trial. On October 16, 1991, the Court  
8 ordered a litigation standstill. The purpose of the standstill was  
9 to give the parties time to negotiate a settlement and develop a  
10 solution to the overdraft existing in the Mojave River Basin.

11 A committee of engineers and attorneys, representing a variety  
12 of water users and interests throughout the Mojave River Basin, was  
13 created to develop a physical solution to the water shortage  
14 problem. The work of the committee resulted in a stipulated  
15 interlocutory order and judgment, which was entered by the court on  
16 September 23, 1993.

17 Several non-stipulating parties requested a trial. On April  
18 20, 1994, the Court issued a memorandum setting forth the trial  
19 issues. This cause came on regularly for trial on February 6,  
20 1995, and was tried in Department 4 of the above-entitled Court,  
21 the Honorable E. Michael Kaiser, Judge, Presiding, without a jury.  
22 Oral and documentary evidence was introduced on behalf of the  
23 respective parties and the cause was argued and submitted for  
24 decision.

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1 II. DECREE

2 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

3 A. JURISDICTION, PARTIES, DEFINITIONS.

4 1. Jurisdiction and Parties.

5 a. Jurisdiction. This Court has jurisdiction to  
6 enter Judgment declaring and adjudicating the rights to reasonable  
7 and beneficial use of water by the Parties in the Mojave Basin Area  
8 pursuant to Article X, Section 2 of the California Constitution.  
9 This Judgment constitutes an adjudication of water rights of the  
10 Mojave Basin Area pursuant to Section 37 of Chapter 2146 of  
11 Statutes of 1959 ("the MWA Act").

12 b. Parties. All Parties to the MWA cross-  
13 complaint are included in this Judgment. The MWA has notified  
14 those Persons claiming any right, title or interest to the natural  
15 waters within the Mojave Basin Area to make claims. Such notice  
16 has been given: 1) in conformity with the notice requirements of  
17 Water Code §§ 2500 et seq.; 2) pursuant to Section 37 of the MWA  
18 Act; and 3) pursuant to order of this Court. Subsequently, all  
19 Producers making claims have been or will be included as Parties.  
20 The defaults of certain Parties have been entered, and certain  
21 named cross-defendants to the MWA cross-complaint who are not  
22 Producers have been dismissed. All named Parties who have not been  
23 dismissed have appeared herein or have been given adequate  
24 opportunity to appear herein. The Court has jurisdiction of the  
25 subject matter of this action and of the Parties hereto.

26 c. Minimal Producers. There are numerous Minimal  
27 Producers in the Basin Area and their number is expected to  
28 increase in the future. In order to minimize the cost of

1 administering this Judgment and to assure that every Person  
2 producing water in the Basin Area participates fairly in the  
3 Physical Solution, MWA shall:

4 i. within one Year following entry of this  
5 Judgment, prepare a report to the Court: 1) setting forth the  
6 identity and verified Base Annual Production of each Minimal  
7 Producer in each Subarea of the Basin Area; and 2)  
8 recommending a proposed system of Minimal Producer  
9 Assessments. The system of Minimal Producer Assessments shall  
10 achieve an equitable allocation of the costs of the Physical  
11 Solution that are attributable to Production of verified Base  
12 Annual Production amounts by Minimal Producers in each Subarea  
13 to and among such Minimal Producers. Minimal Producer  
14 Assessments need not be the same for existing Minimal  
15 Producers as for future Minimal Producers.

16 ii. within one Year following entry of this  
17 Judgment, prepare a report to the Court setting forth a  
18 proposed program to be undertaken by MWA, pursuant to its  
19 statutory authority, to implement the proposed system of  
20 Minimal Producer Assessments. The Court may order MWA to  
21 implement the proposed program or, if MWA's statutory  
22 authority is inadequate to enable implementation, or if either  
23 the proposed program or the proposed system of Minimal  
24 Producer Assessments is unacceptable to the Court, the Court  
25 may then order MWA either to implement an alternative program  
26 or system, or in the alternative, to name all Minimal  
27 Producers as Parties to this litigation and to serve them for  
28 the purpose of adjudicating their water rights.

1 Any Minimal Producer whose Annual Production exceeds ten (10) acre-  
2 feet in any Year following the date of entry of Judgment shall be  
3 made a Party pursuant to Paragraph 12 and shall be subject to  
4 Administrative, Replacement Water, Makeup Water and Biological  
5 Resources Assessments. Any Minimal Producer who produced during  
6 the 1986-1990 period may become a Party pursuant to Paragraph 40  
7 with a Base Annual Production Right based on such Minimal  
8 Producer's verified Base Annual Production. To account properly  
9 for aggregate Production by Minimal Producers in each Subarea,  
10 Table B-1 of Exhibit B shall include an estimated aggregate amount  
11 of Base Annual Production by all Minimal Producers in each Subarea.  
12 The Base Annual Production of any Minimal Producer who becomes a  
13 Party shall be deducted from the aggregate amount and assigned to  
14 such Minimal Producer.

15 2. Physical and Legal Complexity. The physical and  
16 legal issues of the case as framed by the complaint and cross-  
17 complaints are extremely complex. Production of more than 1,000  
18 Persons producing water in the Basin Area has been ascertained. In  
19 excess of 1,000 Persons have been served. The water supply and  
20 water rights of the entire Mojave Basin Area and its hydrologic  
21 Subareas extending over 4000 square miles have been brought into  
22 issue. Most types and natures of water right known to California  
23 law are at issue in the case. Engineering studies by the Parties,  
24 jointly and severally, leading toward adjudication of these rights  
25 and a Physical Solution, have required the expenditure of over two  
26 Years' time and hundreds of thousands of dollars.

27 3. Need for a Declaration of Rights and Obligations and  
28 for Physical Solution. A Physical Solution for the Mojave Basin

1 Area based upon a declaration of water rights and a formula for  
2 Intra- and Inter-Subarea allocation of rights and obligations is  
3 necessary to implement the mandate of Article X, Section 2 of the  
4 California Constitution and California water policy. Such Physical  
5 Solution requires the definition of the individual rights of all  
6 Producers within the Basin Area in a manner which will equitably  
7 allocate the natural water supplies and which will provide for  
8 equitable sharing of costs for Supplemental Water. Nontributary  
9 supplemental sources of water are or will be available in amounts,  
10 which when combined with water conservation, water reclamation,  
11 water transfers, and improved conveyance and distribution methods  
12 within the Basin Area, will be sufficient in quantity and quality  
13 to assure implementation of a Physical Solution. Sufficient  
14 information and data are known to formulate a reasonable and just  
15 allocation of existing water supplies as between the hydrologic  
16 Subareas within the Basin Area and as among the water users within  
17 each Subarea. Such Physical Solution will allow the public water  
18 supply agencies and individual water users within each hydrologic  
19 Subarea to proceed with orderly water resource planning and  
20 development. It will be necessary for MWA to construct conveyance  
21 facilities to implement the Physical Solution. Absent the  
22 construction of conveyance facilities, some Subareas may be  
23 deprived of an equitable share of the benefits made possible by the  
24 Physical Solution. Accordingly, this Physical Solution mandates  
25 the acquisition or construction of conveyance facilities for  
26 importation and equitable distribution of Supplemental Water to the  
27 respective Subareas. Such construction is dependent on the  
28 availability of appropriate financing, and any such financing

1 assessed to the Parties will be based upon benefit to the Parties  
2 in accordance with the MWA Act.

3 4. Definitions. As used in this judgment, the  
4 following terms shall have the meanings herein set forth:

5 a. Afton - The United States Geological Survey gauging  
6 station "Mojave River at Afton, CA."

7 b. Annual or Year - As used in this Judgment refers to  
8 the Annual period beginning October 1 and ending  
9 September 30 of the following Year.

10 c. Aquaculture Water - Water so identified in Exhibit  
11 "B". Such water may be used only for fish breeding  
12 and rearing. The Annual Consumptive Use of such  
13 water in acre-feet is equal to the water surface  
14 area, in acres, of the fish rearing facilities  
15 multiplied by seven (feet).

16 d. Assessments - Those Assessments levied and  
17 collected pursuant to this judgment including  
18 Replacement Water, Makeup Water, Administrative and  
19 Biological Resource Assessments.

20 e. Barstow - The United States Geological Survey  
21 Gauging Station "Mojave River at Barstow, CA."

22 f. Base Annual Production - The verified maximum Year  
23 Production, in acre-feet, for each Producer for the  
24 five Year Period 1986-1990 as set forth in Table  
25 B-1 of Exhibit "B", except where otherwise noted  
26 therein. The maximum Year Production for each  
27 Producer was verified based on one or more of the  
28 following: flow meter readings, electrical power

1 or diesel usage records or estimated applied water  
2 duty. The Base Annual Production for recreational  
3 lakes in the Baja Subarea and for Aquaculture shall  
4 be equal either to the area of water surface  
5 multiplied by seven feet or to verified Production,  
6 whichever is less. The five Year period 1986-1990  
7 shall also be the time period for which Base Annual  
8 Production for Minimal Producers shall be  
9 calculated.

10 g. Base Annual Production Right - The relative Annual  
11 right of each Producer to the Free Production  
12 Allowance within a given Subarea, expressed as a  
13 percentage of the aggregate of all Producers' Base  
14 Annual Production in the Subarea. The percentage  
15 for each Producer is calculated by multiplying that  
16 Producer's Base Annual Production in a Subarea  
17 times one hundred (100) and dividing the result by  
18 the aggregate Base Annual Production for all  
19 Producers in the Subarea. The percentage shall be  
20 rounded off to the nearest one ten-thousandth of  
21 one per cent.

22 h. Base Flow - That portion of the total surface flow  
23 measured Annually at Lower Narrows which remains  
24 after subtracting Storm Flow.

25 i. Carry Over Right - The right of a Producer to delay  
26 and accumulate the Production of such Producer's  
27 share of a Subarea Free Production Allowance until  
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1 and only until the following Year free of any  
2 Replacement Water Assessment.

3 j. Consumption or Consumptive Use - The permanent  
4 removal of water from the Mojave Basin Area through  
5 evaporation or evapo-transpiration. The  
6 Consumptive Use rates resulting from particular  
7 types of water use are identified in Paragraph 2 of  
8 Exhibit "F".

9 k. Free Production Allowance - The total amount of  
10 water, and any Producer's share thereof, that may  
11 be Produced from a Subarea each Year free of any  
12 Replacement Obligation.

13 l. Groundwater - Water beneath the surface of the  
14 ground and within the zone of saturation; i.e.,  
15 below the existing water table, whether or not  
16 flowing through known and definite channels.

17 m. Harper Lake Basin - That portion of the Centro  
18 Subarea identified as such on Exhibit "A".

19 n. Lower Narrows - The United States Geological Survey  
20 gauging station "Mojave River near Victorville,  
21 CA."

22 o. Makeup Water - Water needed to satisfy a Minimum  
23 Subarea Obligation.

24 p. Makeup Obligation - The obligation of a Subarea to  
25 pay for Makeup Water to satisfy its Subarea  
26 Obligation.

27 q. Minimal Producer - Any Person whose Base Annual  
28 Production, as verified by MWA is not greater than

1 ten (10) acre-feet. A Person designated as a  
2 Minimal Producer whose Annual Production exceeds  
3 ten (10) acre-feet in any Year following the date  
4 of entry of Judgment is no longer a Minimal  
5 Producer.

6 r. Minimum Subarea Obligation - The minimum Annual  
7 amount of water a Subarea is obligated to provide  
8 to an adjoining downstream Subarea or the  
9 Transition Zone or, in the case of the Baja  
10 Subarea, the minimum Annual Subsurface Flow at the  
11 MWA eastern boundary toward Afton in any Year, as  
12 set forth in Exhibit "G".

13 s. Mojave Basin Area or Basin Area - The area shown on  
14 Exhibit "A" that lies within the boundaries of the  
15 line labelled "Limits of Adjudicated Area" which  
16 generally includes the area tributary to the Mojave  
17 River and its tributaries except for such area not  
18 included within the Mojave Water Agency's  
19 jurisdiction.

20 t. MWA - Cross complainant Mojave Water Agency.

21 u. Overdraft - A condition wherein the current total  
22 Annual Consumptive Use of water in the Mojave Basin  
23 Area or any of its Subareas exceeds the long term  
24 average Annual natural water supply to the Basin  
25 Area or Subarea.

26 v. Party (Parties) - Any Person(s) named in this  
27 action who has intervened in this case or has

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1 become subject to this Judgment either through  
2 stipulation, default, trial or otherwise.

3 w. Person(s) - Any natural person, firm, association,  
4 organization, joint venture, partnership, business,  
5 trust, corporation, or public entity.

6 x. Produce - To pump or divert water.

7 y. Producer(s) - A Person, other than a Minimal  
8 Producer, who Produces water.

9 z. Production - Annual amount of water produced,  
10 stated in acre-feet of water.

11 aa. Production Safe Yield - The highest average Annual  
12 Amount of water that can be produced from a  
13 Subarea: (1) over a sequence of years that is  
14 representative of long-term average annual natural  
15 water supply to the Subarea net of long-term  
16 average annual natural outflow from the Subarea,  
17 (2) under given patterns of Production, applied  
18 water, return flows and Consumptive Use, and (3)  
19 without resulting in a long-term net reduction of  
20 groundwater in storage in the Subarea.

21 bb. Purpose of Use - The broad category of type of  
22 water use including but not limited to municipal,  
23 irrigation, industrial, aquaculture, and lakes  
24 purposes. A change in Purpose of Use includes any  
25 reallocation of water among mixed or sequential  
26 uses, excluding direct reuse of municipal  
27 wastewater.

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cc. Recirculated Water - Water that is Produced but not consumed by the Parties listed in Table B-2 of Exhibit "B" and then returned either to the Mojave River or to the Groundwater basin underlying the place of use.

dd. Replacement Obligation - The obligation of a Producer to pay for Replacement Water for Production from a Subarea in any Year in excess of the sum of such Producer's share of that Year's Free Production Allowance for the Subarea plus any Production pursuant to a Carry Over Right.

ee. Replacement Water - Water purchased by Watermaster or otherwise provided to satisfy a Replacement Obligation.

ff. Responsible Party - The Person designated by a Party as the Person responsible for purposes of filing reports and receiving notices pursuant to the provisions of this Judgment.

gg. Stored Water - Water held in storage pursuant to a Storage Agreement with Watermaster.

hh. Storm Flow - That portion of the total surface flow originating from precipitation and runoff without having first percolated to Groundwater storage in the zone of saturation and passing a particular point of reckoning, as determined annually by the Watermaster.

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1 ii. Subareas - The five Subareas of the Mojave Basin  
2 Area -- Este, Oeste, Alto, Centro and Baja -- as  
3 shown on Exhibit "A".

4 jj. Subarea Obligation - The average Annual amount of  
5 water that a Subarea is obligated to provide to an  
6 adjoining downstream Subarea or the Transition Zone  
7 or, in the case of the Baja Subarea, the average  
8 Annual Subsurface Flow toward Afton at the MWA  
9 eastern boundary as set forth in Exhibit "G".

10 kk. Subsurface Flow - Groundwater which flows beneath  
11 the earth's surface.

12 ll. Supplemental Water - Water imported to the Basin  
13 Area from outside the Basin Area, water that would  
14 otherwise be lost from the Basin Area but which is  
15 captured and made available for use in the Basin  
16 Area, or any Producer's share of Free Production  
17 Allowance that is not Produced and is acquired by  
18 Watermaster pursuant to this Judgment.

19 mm. Transition Zone - The portion of the Alto Subarea,  
20 shown on Exhibit "A", that lies generally between  
21 the Lower Narrows and the Helendale Fault.

22 nn. Watermaster - The Person(s) appointed by the Court  
23 to administer the provisions of this Judgment.

24 5. Exhibits. The following exhibits are attached to this  
25 Judgment and made a part hereof.

26 Exhibit "A" - Map entitled, "Map showing Mojave Water  
27 Agency, Mojave River, Mojave Basin Area and Hydrologic Subareas and  
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1 Limits of Adjudicated Area Together with Geologic and Other  
2 Pertinent Features."

3 Exhibit "B" - Table entitled, "Table B-1: Table Showing  
4 Base Annual Production and Base Annual Production Right of Each  
5 Producer Within Each Subarea, and Free Production Allowances for  
6 Subareas for First Five Years after entry of the Interlocutory  
7 Judgment" and "Table B-2: Table Showing Total Water Production for  
8 Aquaculture and Recreational Lake Purposes."

9 Exhibit "C" - Engineering Appendix.

10 Exhibit "D" - Time Schedules.

11 Exhibit "E" - List of Producers and Their Designees.

12 Exhibit "F" - Transfers of Base Annual Production Rights.

13 Exhibit "G" - Subarea Obligations.

14 Exhibit "H" - Biological Resource Mitigation.

15 Exhibit "I" - Map Showing Potential Groundwater Recharge  
16 Areas

17 B. DECLARATION OF HYDROLOGIC CONDITIONS.

18 6. Mojave Basin Area as Common Source of Supply. The  
19 area shown on Exhibit "A" as the Mojave Basin Area is comprised of  
20 five Subareas. The waters derived from the Mojave River and its  
21 tributaries constitute a common source of supply of the five  
22 Subareas and of the Persons producing therefrom.

23 7. Existence of Overdraft. In each and every Year, for  
24 a period in excess of five (5) years prior to the May 30, 1990  
25 filing date of Plaintiffs' Complaint, the Mojave Basin Area and  
26 each of its respective Subareas have been and are in a state of  
27 Overdraft, and it is hereby found that there is no water available

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1 for Production from the Basin Area or any Subarea therein except  
2 pursuant to this Judgment.

3 C. DECLARATION OF RIGHTS AND OBLIGATIONS.

4 8. Production Rights of the Parties. The Base Annual  
5 Production and Base Annual Production Right of each Party are  
6 declared as set forth in Table B-1 of Exhibit "B". Certain Parties  
7 also have the right to continue to Produce Recirculated Water in  
8 the amounts set forth in Table B-2 of Exhibit "B", subject to the  
9 following:

10 a. Aquaculture. Two of the Producers listed in  
11 Table B-2 of Exhibit "B", California Department of Fish and Game  
12 Mojave River Fish Hatchery (Hatchery) and Jess Ranch Water Company  
13 (Jess), Produce Recirculated Water for Aquaculture. The Hatchery  
14 and Jess or their successors or assignees shall have the right to  
15 continue to Produce up to the amounts listed in Table B-2 of  
16 Exhibit "B" as Recirculated Water for Aquaculture on the property  
17 where it was used in the Year for which Base Annual Production was  
18 verified. Production of such amount of Recirculated water by Jess  
19 shall be free of any Replacement Water Assessments, Makeup Water  
20 Assessments or Administrative Assessments but shall be subject to  
21 Biological Resources Assessments and each Jess well producing  
22 Recirculated Water shall be subject to an Annual administrative fee  
23 equal to the lowest Annual fee paid to MWA by a Minimal Producer.  
24 Neither the Hatchery nor Jess Recirculated Water may be transferred  
25 or used for any other purpose or transferred for use on any other  
26 property, except as provided in Paragraph 7 of Exhibit "F" for the  
27 Hatchery. Any Production of Recirculated Water by Jess in excess  
28 of the amount shown in Table B-2 shall be subject to all

1 Assessments. Production of Recirculated Water by the Hatchery will  
2 be subject to the rules set forth in Paragraph 7 of Exhibit "F".  
3 All Jess Aquaculture Recirculated Water shall be discharged  
4 immediately and directly to the Mojave River.

5 b. Camp Cady. One Producer listed in Table B-2 of  
6 Exhibit "B", California Department of Fish and Game-Camp Cady (Camp  
7 Cady), Produces Recirculated Water for Lakes containing Tui Chub,  
8 an endangered species of fish. Camp Cady or its successors or  
9 assignees shall have the right to continue to Produce up to the  
10 amount listed in Table-B-2 of Exhibit "B" as Recirculated Water at  
11 Camp Cady. Production of each amount of Recirculated water shall  
12 be free of any Assessments. Camp Cady Recirculated Water may not  
13 be transferred or used for any other purpose or transferred for use  
14 on any other property. Any Production of Recirculated Water by  
15 Camp Cady in excess of the amount shown in Table B-2 of Exhibit "B"  
16 shall be subject to all Assessments except Biological Resource  
17 Assessments. All Camp Cady Recirculated Water shall be allowed to  
18 percolate immediately and directly to the Groundwater basin  
19 underlying Camp Cady.

20 c. Recreational Lakes in Baja Subarea. All  
21 Producers listed in Table B-2 of Exhibit "B" except the Hatchery,  
22 Jess and Camp Cady Produce Recirculated Water for recreational  
23 lakes in the Baja Subarea. Such Producers or their successors or  
24 assignees shall have the right to continue to Produce up to the  
25 amounts identified in Table B-2 of Exhibit "B" as Recirculated  
26 Water for use in recreational lakes on the property where it was  
27 used in the Year for which Base Annual Production was verified,  
28 free of any Replacement Water Assessments, Makeup Water

1 Assessments, or Administrative Assessments, but such Production  
2 shall be subject to any Biological Resource Assessment. Each well  
3 producing such Recirculated Water shall be subject to an Annual  
4 administrative fee equal to the lowest Annual fee paid by a Minimal  
5 Producer. Recirculated Water cannot be transferred or used for any  
6 other purpose. All recreational lake Recirculated Water shall be  
7 allowed to percolate immediately and directly to the Groundwater  
8 basin underlying the recreational lake.

9 9. MWA Obligations. The Physical Solution is intended  
10 to provide for delivery and equitable distribution to the  
11 respective Subareas by MWA of the best quality of Supplemental  
12 Water reasonably available. MWA shall develop conveyance or other  
13 facilities to deliver this Supplemental Water to the areas depicted  
14 in Exhibit "I," unless prevented by forces outside its reasonable  
15 control such as an inability to secure financing consistent with  
16 sound municipal financing practices and standards.

17 a. Secure Supplemental Water. MWA, separate and  
18 apart from its duties as the initial Watermaster designated under  
19 this Judgment, shall exercise its authority under Sections 1.5 and  
20 15 of the MWA Act to pursue promptly, continuously and diligently  
21 all reasonable sources to secure Supplemental Water as necessary to  
22 fully implement the provisions of this Judgment.

23 b. Supplemental Water Prices. The MWA shall  
24 establish fair and equitable prices for Supplemental Water  
25 delivered to the Watermaster under this Judgment.

26 c. Supplemental Water Delivery Plan. Not later  
27 than September 30, 1996, MWA shall prepare a report on potential  
28 alternative facilities or methods to deliver Supplemental Water to

1 the areas shown on Exhibit "I." The report shall include, for each  
2 alternative, a development time schedule, a summary of cost  
3 estimates, an analysis of the relative benefits to Producers in  
4 each Subarea and an analysis of alternative methods of financing  
5 and cost allocation, including any state or federal sources of  
6 funding that may be available.

7 d. Water Delivery Cost Allocation. The report  
8 required by subdivision (c) above shall recommend methods of  
9 financing and cost allocation that are based on benefits to be  
10 received. MWA's cost allocation plan shall be subject to Court  
11 review as provided in subdivision (f) below to verify that costs  
12 are allocated fairly and according to benefits to be received. The  
13 MWA financing and cost allocation plan may include a mix of revenue  
14 sources including the following:

15 (1) Developer or connection fees to the  
16 extent MWA can demonstrate a nexus, as  
17 required by law, between the fees and the  
18 impact of the development upon the water  
19 resources of the Mojave Basin Area and  
20 each subarea thereof;

21 (2) Other methods of financing available to  
22 MWA, including but not limited to  
23 property based taxes, assessments or  
24 standby charges;

25 (3) Water sales revenues, but only to the  
26 extent other sources are not available or  
27 appropriate, and in no event shall the  
28 water sales price to cover facility

1 capital costs exceed a rate equal to  
2 fifty percent of the variable cost rate  
3 charged to MWA under its contract for  
4 water delivery from the California State  
5 Water Project;

6 e. Legislative Changes. MWA shall seek promptly  
7 to have enacted amendments to the MWA Act (Water Code Appendix,  
8 Part 97) that allow MWA to implement any methods of governmental  
9 financing available to any public entity in California.

10 f. Court Review and Determination of Benefit. Not  
11 later than September 30, 1996, MWA shall submit its report to the  
12 Court in a noticed motion pursuant to Paragraph 36. The report  
13 shall set forth MWA's recommendations as to the following: (1)  
14 which alternatives should be implemented; (2) methods of cost  
15 allocation for the recommended alternatives; (3) financing for the  
16 recommended alternatives; and (4) a time schedule to complete the  
17 recommended alternatives. The Court may approve or reject the  
18 recommendations. The Court may further order the use of  
19 alternatives and time schedules or it may order additional studies  
20 and resubmittals, as it may deem proper.

21 10. Priority and Determination of Production Rights.  
22 The water rights involved herein are of differing types and  
23 commenced at different times. Many of the rights involved are  
24 devoted to public uses. The Declaration of Water Rights that is  
25 part of the judgment and the Physical Solution decreed herein takes  
26 into consideration the competing priorities which have been  
27 asserted in addition to the equitable principles applicable to  
28 apportionment of water in this situation. The following factors

1 have been considered in the formulation of each Producer's Base  
2 Annual Production Right:

3 a. The Mojave Basin Area and each of its hydrologic  
4 Subareas have continuously for many Years been in a state of  
5 system-wide Overdraft;

6 b. All Producers have contributed to the Overdraft;

7 c. None of the priorities asserted by any of the  
8 Producers is without dispute;

9 d. Under the complex scheme of California water  
10 law, the allocation of water and rights mechanically based upon the  
11 asserted priorities would be extremely difficult, if not  
12 impossible, and would not result in the most equitable  
13 apportionment of water;

14 e. Such mechanical allocation would, in fact,  
15 impose undue hardship on many Parties;

16 f. There is a need for conserving and making  
17 maximum beneficial use of the water resources of the State;

18 g. The economy of the Mojave Basin Area has to a  
19 great extent been established on the basis of the existing  
20 Production;

21 h. The Judgment and Physical Solution take into  
22 consideration the unique physical and climatic conditions of the  
23 Mojave Basin Area, the Consumptive Use of water in the several  
24 sections of the Basin, the character and rate of return flows, the  
25 extent of established uses, the availability of storage water, the  
26 relative benefits and detriments between upstream areas and  
27 downstream areas if a limitation is imposed on one and not the

28 ///

1 other, and the need to protect public interest and public trust  
2 concerns.

3 In consideration of the foregoing factors, and in  
4 accordance with the terms and conditions of this Judgment, the  
5 Parties are estopped and barred from asserting special priorities  
6 or preferences.

7 11. Exercise of Carry Over Rights. The first water  
8 Produced by a Producer during any Year shall be deemed to be an  
9 exercise of any Carry Over Right. Such Carry Over Right may be  
10 transferred in accordance with Exhibit "F".

11 12. Production Only Pursuant to Judgment. This  
12 Judgment, and the Physical Solution decreed herein, addresses all  
13 Production within the Mojave Basin Area. Because of the existence  
14 of Overdraft, any Production outside the framework of this Judgment  
15 and Physical Solution will contribute to an increased Overdraft,  
16 potentially damage the Mojave Basin Area and public interests in  
17 the Basin Area, injure the rights of all Parties, and interfere  
18 with the Physical Solution. Watermaster shall bring an action or  
19 a motion to enjoin any Production that is not pursuant to the terms  
20 of this Judgment.

21 13. Declaration of Subarea Rights and Obligations. In  
22 the aggregate, Producers within certain Subareas have rights, as  
23 against those in adjoining upstream Subareas, to receive average  
24 Annual water supplies and, in any one Year, to receive minimum  
25 Annual water supplies equal to the amounts set forth in Exhibit  
26 "G", in addition to any Storm Flows. In turn, in the aggregate,  
27 Producers within certain Subareas have an obligation to provide to  
28 adjoining downstream Subareas such average Annual water supplies in

1 the amounts and in the manner set forth in Exhibit "G". In any one  
2 Year, Producers within certain Subareas have an obligation to  
3 provide to adjoining downstream Subareas such minimum Annual water  
4 supplies in the amounts and in the manner set forth in Exhibit "G".  
5 The Producers in the Baja Subarea have an obligation to provide  
6 average and minimum Subsurface Flows toward Afton at the MWA  
7 eastern boundary equal to the amounts shown in Exhibit "G".  
8 Producers in each of the Subareas have rights in the aggregate, as  
9 against each adjoining downstream Subarea or, in the case of the  
10 Baja Subarea, as against flows at the MWA eastern boundary toward  
11 Afton, to divert, pump, extract, conserve, and use all surface  
12 water and Groundwater supplies originating therein or accruing  
13 thereto, and so long as the adjoining downstream Subarea  
14 Obligations are satisfied under this Judgment and there is  
15 compliance with all of its provisions. Watermaster shall maintain  
16 a continuing account of the status of each Subarea's compliance  
17 with its Subarea Obligation, including any cumulative credits or  
18 debits and any requirement for providing Makeup Water. The  
19 accounting and determinations relative to Subarea Obligations shall  
20 be made in accordance with procedures set forth in Exhibit "G".

21  
22 **III. INJUNCTION**

23 14. Injunction Against Unauthorized Production. Each  
24 and every Party, its officers, agents, employees, successors, and  
25 assigns, is ENJOINED AND RESTRAINED from Producing water from the  
26 Basin Area except pursuant to the provisions of the Physical  
27 Solution in this Judgment.

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1           15. Injunction Re Change in Purpose of Use Without  
2 Notice Thereof to Watermaster. Each and every Party, its officers,  
3 agents, employees, successors, and assigns, is ENJOINED AND  
4 RESTRAINED from changing its Purpose of Use at any time without  
5 first notifying Watermaster of the intended change.

6           16. Injunction Against Unauthorized Recharge. Each and  
7 every Party, its officers, agents, employees, successors and  
8 assigns, is ENJOINED AND RESTRAINED from claiming any right to  
9 recapture Water that has been recharged in the Basin Area except  
10 pursuant to a Storage Agreement with Watermaster. This provision  
11 does not prohibit Parties from importing Supplemental Water into  
12 the Basin Area for direct use.

13           17. Injunction Against Transportation from Mojave Basin  
14 Area. Except upon further order of the Court, each and every  
15 Party, its officers, agents, employees, successors and assigns, is  
16 ENJOINED AND RESTRAINED from transporting water hereafter Produced  
17 from the Basin Area to areas outside the Basin Area.

18           18. Injunction Against Diverting Storm Flows. No Party  
19 may undertake or cause the construction of any project that will  
20 directly reduce the amount of Storm Flow that would otherwise go  
21 through the naturally occurring hydrologic regime to a downstream  
22 Subarea or that will reduce the surface area over which Storm Flow  
23 currently occurs by alteration to the bed of the Mojave River.  
24 This paragraph shall not prevent any flood control agency or  
25 municipality from taking such emergency action as may be necessary  
26 to protect the physical safety of its residents and its structures  
27 from flooding. Any such action shall be done in a manner that will  
28 minimize any reduction in the quantity of Storm Flows.

1 IV. CONTINUING JURISDICTION

2 19. Jurisdiction Reserved. Full jurisdiction, power and  
3 authority are retained by and reserved to the Court for purposes of  
4 enabling the Court upon the application of any Party, by a motion  
5 noticed in accordance with the notice procedures of Paragraph 36  
6 hereof, to make such further or supplemental order or directions as  
7 may be necessary or appropriate for interim operation before the  
8 Physical Solution is fully operative, or for interpretation,  
9 enforcement or carrying out of this Judgment, and to modify, amend  
10 or amplify any of the provisions of this Judgment or to add to the  
11 provisions thereof consistent with the rights herein decreed;  
12 provided, that nothing in this paragraph shall authorize either a  
13 reduction of the Base Annual Production Right of any Party, except  
14 in accordance with the rules set forth in Exhibit "F", or a  
15 reduction of the Base Flow portion of any Subarea Obligation.

16  
17 V. Physical Solution

18 A. GENERAL

19 20. Purpose and Objective. The Court hereby declares  
20 and decrees that the Physical Solution herein contained: 1) is a  
21 fair and equitable basis for satisfaction of all water rights in  
22 the Mojave Basin Area; 2) is in furtherance of the mandate of the  
23 State Constitution and the water policy of the State of California;  
24 and 3) takes into account applicable public trust interests; and  
25 therefore adopts and orders the Parties to comply with the Physical  
26 Solution. As noted in Paragraph 3 of this Judgment, the  
27 declaration of rights and obligations of the Parties and Subareas  
28 is a necessary component of this Physical Solution. The purpose of

1 the Physical Solution is to establish a legal and practical means  
2 for making the maximum reasonable beneficial use of the waters of  
3 the Basin Area by providing for the long-term conjunctive  
4 utilization of all water available thereto to meet the reasonable  
5 beneficial use requirements of water users therein.

6 21. Need for Flexibility. It is essential that this  
7 Physical Solution provide maximum flexibility and adaptability in  
8 order that the Court may be free to use existing and future  
9 technological, social, institutional and economic options in order  
10 to maximize reasonable beneficial use of the waters of the Basin  
11 Area. To that end, the Court's retained jurisdiction may be  
12 utilized where appropriate, to supplement the Physical Solution.

13 22. General Pattern of Operations. The Producers will  
14 be divided into five Subareas for purposes of administration. The  
15 Subarea rights and obligations are herein decreed. A fundamental  
16 premise of the Physical Solution is that all Parties will be  
17 allowed, subject to this Judgment, to Produce sufficient water to  
18 meet their reasonable beneficial use requirements. To the extent  
19 that Production by a Producer in any Subarea exceeds such  
20 Producer's share of the Free Production Allowance of that Subarea,  
21 Watermaster will provide Replacement Water to replace such excess  
22 Production according to the methods set forth herein. To the  
23 extent that any Subarea incurs a Makeup Obligation, Watermaster  
24 will provide Supplemental Water to satisfy such Makeup Obligation  
25 according to the methods set forth herein. For the initial five  
26 (5) full Years after entry of this Judgment (including any  
27 interlocutory Judgment), the Free Production Allowance for each  
28 Subarea shall be set as the amount of water equal to the following

1 percentages of the aggregate Base Annual Production for that  
2 Subarea:

	<u>Judgment Year</u>	<u>Percentage</u>	
3			
4	1993-1994	First Full Year	100
5	1994-1995	Second Full Year	95
6	1995-1996	Third Full Year	90
7	1996-1997	Fourth Full Year	85
8	1997-1998	Fifth Full Year	80

9 The extent of Overdraft now varies between Subareas and the  
10 reasonableness of any physical solution as applied to each Producer  
11 depends in part upon such Producer's foreseeable needs and the  
12 present and future availability of water within the Subarea in  
13 which each Producer is located. The Physical Solution described in  
14 this Judgment in part generally contemplates (i) initially allowing  
15 significant unassessed production on a substantially uniform basis  
16 for all Producers and Subareas and (ii) a phasing in of the  
17 monetary obligations necessary to obtain Supplemental Water. The  
18 above two provisions will affect each Subarea differently, may not  
19 be sufficient to ultimately eliminate the condition of Overdraft in  
20 each Subarea and could result in increased Overdraft within a  
21 Subarea. Any adverse impact to any Subarea caused by the  
22 implementation of the provisions shall be the responsibility of the  
23 Producers in each such Subarea.

24 B. ADMINISTRATION.

25 23. Administration by Watermaster. Watermaster shall  
26 administer and enforce the provisions of the Judgment and any  
27 subsequent instructions or orders of this Court.

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1           (a) Standard of Performance. Watermaster shall, in  
2 carrying out its duties, powers and responsibilities herein, act in  
3 an impartial manner without favor or prejudice to any Subarea,  
4 Producer, Party or Purpose of Use.

5           (b) Removal of Watermaster. Full jurisdiction, power  
6 and authority are retained and reserved by the Court for the  
7 purpose of enabling the Court on its own motion, or upon  
8 application of any Party, and upon notice in accordance with the  
9 notice procedures of paragraph 36 hereof, and after hearing  
10 thereon, to remove any appointed Watermaster and substitute a new  
11 Watermaster in its place. The Court shall find good cause for the  
12 removal of Watermaster upon a showing that Watermaster has failed  
13 to perform its duties, powers and responsibilities in an impartial  
14 manner, or has otherwise failed to act in the manner consistent  
15 with the provisions set forth in this Judgment or subsequent order  
16 of the Court.

17           (c) MWA Appointed as Initial Watermaster. The MWA is  
18 hereby appointed, until further order of the Court, as Watermaster  
19 to administer and enforce the provisions of this Judgment and any  
20 subsequent orders of this Court issued in the performance of its  
21 continuing jurisdiction. In carrying out this appointment, MWA  
22 shall segregate and separately exercise in all respects the  
23 Watermaster powers delegated by the Court under this Judgment from  
24 MWA's statutory powers. All funds received, held, and disbursed by  
25 MWA as Watermaster shall be by way of separate Watermaster  
26 accounts, subject to separate accounting and auditing. Meetings  
27 and hearings held by the MWA Board of Directors when acting as  
28 Watermaster shall be noticed and conducted separately from MWA

1 meetings. All Watermaster staff and consultant functions shall be  
2 separate and distinct from MWA staff and consultant functions;  
3 provided, however, that pursuant to duly adopted Watermaster rules,  
4 which shall be subject to review according to Paragraph 36 hereof,  
5 Watermaster staff and consultant functions may be accomplished by  
6 MWA staff and consultants, subject to strict time and cost  
7 accounting principles so that Watermaster functions, and the  
8 Assessments provided under this Judgment, do not subsidize, and are  
9 not subsidized by, MWA functions. Subject to these principles, MWA  
10 shall implement practicable cost efficiencies through consolidation  
11 of Watermaster and MWA staff and consultant functions.

12           24.   Powers and Duties. Subject to the continuing  
13 supervision and control of the Court, Watermaster shall have and  
14 may exercise the following express powers, and shall perform the  
15 following duties, together with any specific powers, authority and  
16 duties granted or imposed elsewhere in this Judgment or hereafter  
17 ordered or authorized by the Court in the exercise of its  
18 continuing jurisdiction:

19           a.   Rules and Regulations. To adopt any and all  
20 appropriate rules and regulations for conduct pursuant to this  
21 Judgment after public hearing. Notice of hearing and a copy of the  
22 proposed rules and regulations, and any amendments thereof, shall  
23 be mailed to all Parties thirty days prior to the date of the  
24 hearing thereon.

25           b.   Employment of Experts and Agents. To employ  
26 such administrative personnel, engineering, legal, accounting, or  
27 other specialty services and consulting assistants as may be deemed  
28 appropriate in carrying out the terms of this Judgment.

1 c. Makeup and Replacement Obligations. To  
2 determine the Makeup Obligations for each Subarea and Replacement  
3 Obligations for each Producer and each Subarea, pursuant to the  
4 terms of the Judgment.

5 d. Measuring Devices, etc. To adopt rules and  
6 regulations regarding determination of amounts of Production and  
7 installation of individual water meters. The rules and regulations  
8 shall provide for approved devices or methods to measure or  
9 estimate Production. Producers who meter Production on the date of  
10 entry of this Judgment shall continue to meter Production.  
11 Thereafter, Producers who do not meter Production on the effective  
12 date of entry of this Judgment may be required by Watermaster rules  
13 and regulations to install water meters upon a showing that then  
14 employed measurement devices or methods do not accurately determine  
15 actual Production. The rules and regulations shall require that  
16 within three Years after the date of entry of this Judgment, any  
17 Producer who provides piped water for human Consumption to more  
18 than five service connections shall have installed an individual  
19 water meter on each service connection.

20 e. Hydrologic Data Collection. To install, operate  
21 and maintain such wells, measuring devices and/or meters necessary  
22 to monitor stream flow, precipitation and groundwater levels and to  
23 obtain such other data as may be necessary to carry out the  
24 provisions of this Judgment, including a study of the Basin Area  
25 phreatophyte consumptive use.

26 f. Assessments. To set, levy and collect all  
27 Assessments specified herein.

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1                   g. Purchase of and Recharge with Supplemental  
2 Water. In accordance with Paragraph 27, to the extent Supplemental  
3 Water is available and is reasonably needed for Replacement Water  
4 or Makeup Water, to use Replacement Water Assessment proceeds to  
5 purchase Replacement Water, and to use Makeup Water Assessment  
6 proceeds to purchase Makeup Water and to have such Replacement  
7 Water and Makeup Water provided to the appropriate Subarea as soon  
8 as practicable. Watermaster may prepurchase Supplemental Water and  
9 apply subsequent Assessments towards the costs of such  
10 prepurchases.

11                   h. Water Quality. To take all reasonable steps to  
12 assist and encourage appropriate regulatory agencies to enforce  
13 reasonable water quality regulations affecting the Basin Area,  
14 including regulation of solid and liquid waste disposal.

15                   i. Notice List. To maintain a current list of  
16 Responsible Parties to receive notice hereunder.

17                   j. Annual Administrative Budget. To prepare a  
18 proposed administrative budget for each Year, hold hearings  
19 thereon, and adopt an administrative budget according to the time  
20 schedule set forth in Exhibit "D". The administrative budget shall  
21 set forth budgeted items and Administrative Assessments in  
22 sufficient detail to show the allocation of the expense among the  
23 Producers. Following the adoption of the budget, expenditures  
24 within budgeted items may thereafter be made by Watermaster in the  
25 exercise of powers herein granted, as a matter of course.

26                   k. Annual Report to Court.

27                   (1) To file an Annual report with this Court  
28 not later than April 1 of each Year beginning April 1 following the

1 first full Year after entry of Judgment. Prior to filing the  
2 Annual report with the Court, Watermaster shall notify all Parties  
3 that a draft of the report is available for review and shall  
4 provide notice of a hearing to receive comments and recommendations  
5 for changes in the report. The public hearing shall be conducted  
6 on the same date and at the same place as the hearings required by  
7 Paragraphs 3 and 4 of Exhibit "D". The notice of hearing may  
8 include such summary of the draft report as Watermaster may deem  
9 appropriate. Watermaster shall also distribute the report to the  
10 Parties requesting copies.

11 (2) The Annual report shall include an Annual  
12 fiscal report of the preceding Year's operation and shall include  
13 details as to operation of each of the Subareas and an audit of all  
14 Assessments and expenditures pursuant to this Physical Solution and  
15 a review of Watermaster activities pursuant to this Judgment. The  
16 Annual report shall include a compilation of at least the  
17 following:

18 Determinations and data required by:

- 19 i) Paragraph 24(c) (Makeup and Replacement Obligations)
- 20 ii) Paragraph 24(e) (Hydrologic Data Collection)
- 21 iii) Paragraph 24(g) (Purchase of and Recharge with  
22 Supplemental Water)
- 23 iv) Paragraph 24(i) (Notice List)

24 Rules and regulations adopted pursuant to:

- 25 v) Paragraph 24(a) (Rules and Regulations)
- 26 vi) Paragraph 24(d) (Measuring Devices, etc.)
- 27 vii) Paragraph 24(s) (Storage Agreements)

28 Reports required by:

- 1 viii) Paragraph 24(j) (Annual Administrative Budget)  
2 ix) Paragraph 24(n) (Transfers)  
3 x) Paragraph 24(o) (Free Production Allowance)  
4 xi) Paragraph 24(p) (Production Reports)  
5 xii) Exhibit "D" (Prior Year Report)  
6 xiii) Exhibit "F" (Transfers of Base Annual Production  
7 Rights)  
8 xiv) Exhibit "G" (Status of Subarea Obligation)  
9 xv) Exhibit "H" (Biological Resource Mitigation)

10 1. Investment of Funds. To hold and invest any  
11 funds in investments authorized from time to time for public  
12 agencies in the State of California.

13 m. Borrowing. To borrow in anticipation of receipt  
14 of Assessment proceeds in an amount not to exceed the Annual amount  
15 of Assessments levied but uncollected.

16 n. Transfers. To prepare on an Annual basis and  
17 maintain a report or record of any transfer of Base Annual  
18 Production Rights. Such report or record shall be available for  
19 inspection by any Party upon reasonable notice to the Watermaster.

20 o. Free Production Allowance. Not later than the  
21 end of the 1997-1998 Water Year, and Annually thereafter, to  
22 recommend in the Watermaster Annual Report an adjustment, if  
23 needed, to the Free Production Allowance for any Subarea. In  
24 making its recommendation, Watermaster shall be guided by the  
25 factors set forth in Exhibit "C", including but not limited to an  
26 annual calculation of the change of water in storage. The Annual  
27 report shall include all assumptions and calculations relied upon  
28 in making its recommendations. Following the 1997-1998 Water Year,

1 or any time thereafter, Watermaster shall obtain prior Court  
2 approval for any increase or reduction of any Subarea's Free  
3 Production Allowance. In no event shall a reduction in any Year  
4 for a Subarea exceed five percent of the aggregate Base Annual  
5 Production of that Subarea. In the event Watermaster recommends in  
6 its report to the Court that the Free Production Allowance for any  
7 Subarea may need to be increased or reduced, the Court shall  
8 conduct a hearing, after notice given by Watermaster according to  
9 paragraph 36, upon Watermaster's recommendations and may order such  
10 changes in Subarea Free Production Allowance. The most recent  
11 Subarea Free Production Allowances shall remain in effect until  
12 revised according to this Paragraph 24(o).

13 p. Production Reports. To require each Producer to  
14 file with Watermaster, pursuant to procedures and time schedules to  
15 be established by Watermaster, a report on a form to be prescribed  
16 by Watermaster showing the total Production of such Party for each  
17 reporting period rounded off to the nearest tenth of an acre foot,  
18 and such additional information and supporting documentation as  
19 Watermaster may require.

20 q. Production Adjustment for Change in Purpose of  
21 Use. If Watermaster determines, using the Consumptive Use rates  
22 set forth in Exhibit "F", that a new Purpose of Use of any  
23 Producer's Production for any Year has resulted in a higher rate of  
24 Consumption than the rate applicable to the original Purpose of Use  
25 of that Producer's Production in the Year for which Base Annual  
26 Production was determined, Watermaster shall use a multiplier (1)  
27 to adjust upward such Production for the purpose of determining the  
28 Producer's Replacement Water Assessment and, (2) to adjust upward

1 the Free Production Allowance portion of such Production for the  
2 purpose of determining the Producer's Makeup Water Assessment. The  
3 multiplier shall be determined by dividing the number of acre feet  
4 of Consumption that occurred under the new Purpose of Use by the  
5 number of acre feet of Consumption that would have occurred under  
6 the original Purpose of Use for the same Production.

7 r. Reallocation of Base Annual Production Rights.

8 To reallocate annually the Base Annual Production Rights in each  
9 Subarea to reflect any permanent transfers of such Rights among  
10 Parties.

11 s. Storage Agreements. To enter into Storage

12 Agreements with any Party in order to accommodate the acquisition  
13 of Supplemental Water. Watermaster may not enter into Storage  
14 Agreements with non-Parties unless such non-Parties become subject  
15 to the provisions of this Judgment and the jurisdiction of the  
16 Court. Such Storage Agreements shall by their terms preclude  
17 operations which will have a substantial adverse impact on any  
18 Producer. If a Party pursuant to a Storage Agreement has provided  
19 for predelivery or postdelivery of Replacement Water for the  
20 Party's use, Watermaster shall at the Party's request credit such  
21 water to the Party's Replacement Obligation. Watermaster shall  
22 adopt uniformly applicable rules for Storage Agreements.  
23 Watermaster shall calculate additions, extractions and losses of  
24 water stored under Storage Agreements and maintain an Annual  
25 account of all such water.

26 t. Subarea Advisory Committee Meetings. To meet on

27 a regular basis and at least semi-annually with the Subarea  
28 Advisory Committees to review Watermaster activities pursuant to

1 this Judgment and to receive advisory recommendations from the  
2 Subarea Advisory Committees.

3 u. Unauthorized Production. To bring such action  
4 or motion as is necessary to enjoin unauthorized Production as  
5 provided in Paragraph 12 hereinabove.

6 v. Meetings and Records. To ensure that all  
7 meetings and hearings by Watermaster shall be noticed and conducted  
8 according to then current requirements of the Ralph M. Brown Act,  
9 Government Code Sections 54950, et seq. Watermaster files and  
10 records shall be available to any person according to the  
11 provisions of the Public Records Act, Government Code §§ 6200 et  
12 seq.

13 w. Data, Estimates and Procedures. To rely on and  
14 use the best available records and data to support the  
15 implementation of this Judgment. Where actual records of data are  
16 not available, Watermaster shall rely on and use sound scientific  
17 and engineering estimates. Watermaster may use preliminary records  
18 of measurements, and, if revisions are subsequently made,  
19 Watermaster may reflect such revisions in subsequent accounting.  
20 Exhibit "C" sets forth methods and procedures for determining  
21 surface flow components. Watermaster shall use either the same  
22 procedures or procedures that will yield results of equal or  
23 greater accuracy.

24 x. Biological Resource Mitigation. To implement  
25 the Biological Resource Mitigation measures set forth in Exhibit  
26 "H" herein.

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1 C. ASSESSMENTS

2 25. Purpose. Watermaster shall levy and collect  
3 Assessments from the Parties based upon Production in accordance  
4 with the time schedules set forth in Exhibit "D". Watermaster  
5 shall levy and collect such Assessments as follows:

6 a. Administrative Assessments. Administrative  
7 Assessments to fund the Administrative Budget adopted by the  
8 Watermaster pursuant to Paragraph 24(j) shall be levied uniformly  
9 against each acre foot of Production. A Producer who does not  
10 Produce in a given Year shall pay an Administrative Assessment in  
11 amount equal to the lowest MWA assessment for Minimal Producers for  
12 that Year.

13 b. Replacement Water Assessments. Replacement  
14 Water Assessments shall be levied against each Producer on account  
15 of such Producer's Production, after any adjustment pursuant to  
16 Paragraph 24(q), in excess of such Producer's share of the Free  
17 Production Allowance in each Subarea during the prior Year.

18 c. Makeup Water Assessments. Makeup Water  
19 Assessments shall be levied against each Producer in each Subarea  
20 on account of each acre-foot of Production therein which does not  
21 bear a Replacement Assessment hereunder, after any adjustment  
22 pursuant to Paragraph 24(q), to pay all necessary costs of  
23 satisfying the Makeup Obligation, if any, of that Subarea.

24 d. Biological Resource Assessment. To establish  
25 and, to the extent needed, to maintain the Biological Resource  
26 Trust Fund balance at one million dollars (in 1993 dollars)  
27 pursuant to Paragraph 24(x) and Exhibit "H", a Biological Resource  
28 Assessment in an amount not to exceed fifty cents (in 1993 dollars)

1 for each acre-feet of Production shall be levied uniformly against  
2 each producer except the California Department of Fish and Game.

3 e. MWA Assessment of Minimal Producers. The MWA  
4 shall identify and assess Minimal Producers through its own  
5 administrative procedures, and not acting as Watermaster.

6 26. Procedure. Each Party hereto is ordered to pay the  
7 Assessments herein provided for, which shall be levied and  
8 collected in accordance with the procedures and schedules set forth  
9 in Exhibit "D". Any Assessment which becomes delinquent, as  
10 defined in Paragraph 7 of Exhibit "D", shall bear interest at the  
11 then current San Bernardino County property tax delinquency rate  
12 Said interest rate shall be applicable to any said delinquent  
13 Assessment from the due date thereof until paid. Such delinquent  
14 Assessment, together with interest thereon, costs of suit,  
15 attorneys fees and reasonable costs of collection, may be collected  
16 pursuant to motion giving notice to the delinquent Party only, or  
17 Order to Show Cause proceeding, or such other lawful proceeding as  
18 may be instituted by the Watermaster; and shall, if provided for in  
19 the MWA Act, constitute a lien on the property of the Party as of  
20 the same time and in the same manner as does the tax lien securing  
21 County property taxes. The Watermaster shall Annually certify a  
22 list of all such unpaid delinquent Assessments to the MWA (in  
23 accordance with applicable provisions of the MWA Act). The MWA (in  
24 accordance with applicable provisions of the MWA Act) shall include  
25 the names of those Parties and the amounts of the liens in its list  
26 to the County Assessor's Office in the same manner and at the same  
27 time as it does its administrative assessments. MWA shall account  
28 for receipt of all collections of Assessments collected pursuant to

1 this Judgment, and shall pay such amounts collected pursuant to  
2 this Judgment to the Watermaster. The Watermaster shall also have  
3 the ability to enjoin production of those Persons who do not pay  
4 Assessments pursuant to this Judgment.

5           27.     Availability of Supplemental Water.     All  
6 Replacement and Makeup Water Assessments collected by the  
7 Watermaster shall be used to acquire Supplemental Water from MWA.  
8 Watermaster shall determine when to request Supplemental Water from  
9 MWA and shall determine the amount of Supplemental Water to be  
10 requested. MWA shall use its best efforts to acquire as much  
11 Supplemental Water as possible in a timely manner. If MWA  
12 encounters delays in the acquisition of Supplemental Water which,  
13 due to cost increases, results in collected assessment proceeds  
14 being insufficient to purchase all Supplemental Water for which the  
15 Assessments were made, MWA shall purchase as much water as the  
16 proceeds will allow when the water becomes available. If available  
17 Supplemental Water is insufficient to meet all Makeup and  
18 Replacement Water obligations, Watermaster shall allocate the  
19 Supplemental Water for delivery to the Subareas on an equitable and  
20 practicable basis pursuant to duly adopted Watermaster rules and  
21 regulations, giving preference to: First, Transition Zone  
22 Replacement Water Obligations as set forth in Exhibit "G"; Second,  
23 Makeup Water Obligations; and Third, other Replacement Water  
24 Obligations. MWA may acquire Supplemental Water at any time. MWA  
25 shall be entitled to enter into a Storage Agreement with  
26 Watermaster to store water MWA acquires prior to being paid to do  
27 so by Watermaster. Such water, including such water acquired and  
28 stored prior to the date of this Judgment or prior to the entry of

1 a Storage Agreement, may later be used to satisfy MWA's duty under  
2 this paragraph.

3 28. Use of Replacement Water Assessment Proceeds and  
4 Makeup Water Assessment Proceeds. The Proceeds of Replacement  
5 Water Assessments and any interest accrued thereon shall only be  
6 used for the purchase of Replacement Water for that Subarea from  
7 which they were collected. In addition, the proceeds of  
8 Replacement Water Assessments collected on account of Production in  
9 the Transition Zone, except as provided in Exhibit "G", shall only  
10 be used for the purchase of Replacement Water for the Transition  
11 Zone, and the proceeds of Replacement Water Assessments collected  
12 on account of Production in that portion of the Baja Subarea  
13 downstream of the Calico-Newberry fault shall only be used for the  
14 purchase of Replacement Water for that portion of the Baja Subarea  
15 downstream of the Calico-Newberry fault. The proceeds of Makeup  
16 Water Assessments and any interest accrued thereon shall only be  
17 used for the purchase of Makeup Water to satisfy the Makeup  
18 Obligation for which they are collected.

19 29. MWA Annual Report to the Watermaster. MWA shall  
20 Produce and deliver to Watermaster an Annual written report  
21 regarding actions of MWA required by the terms of this Judgment.  
22 The report shall contain: 1) a summary of the actions taken by MWA  
23 in identifying and assessing Minimal Producers, including a report  
24 of Assessments made and collected; 2) a summary of other MWA  
25 activities in collecting Assessment on behalf of Watermaster; 3) a  
26 report of water purchases and water distribution for the previous  
27 Year; 4) actions taken to implement its Regional Water Management  
28 Plan, including actions relating to conveyance facilities referred

1 to in this Judgment. The MWA report will be provided to  
2 Watermaster not less than 30 days prior to the Annual Watermaster  
3 report to the Court required by this Judgment.

4 D. SUBAREA ADVISORY COMMITTEES.

5 30. Authorization. The Producers in each of the five  
6 Subareas are hereby authorized and directed to cause committees of  
7 Producer representatives to be organized and to act as Subarea  
8 Advisory Committees.

9 31. Composition and Election. Each Subarea Advisory  
10 Committee shall consist of five (5) Persons who shall be called  
11 advisors. In the election of advisors, every Party shall be  
12 entitled to one vote for every acre-foot of Base Annual Production  
13 for that Party in that particular Subarea. Parties may cumulate  
14 their votes and give one candidate a number of votes equal to the  
15 number of advisors to be elected multiplied by the number of votes  
16 to which the Party is normally entitled, or distribute the Party's  
17 votes on the same principle among as many candidates as the Party  
18 thinks fit. In any election of advisors, the candidates receiving  
19 the highest number of affirmative votes of the Parties are elected.  
20 Elections shall be held upon entry of this Judgment and thereafter  
21 every third year. In the event a vacancy arises, a temporary  
22 advisor shall be appointed by unanimous decision of the other four  
23 advisors to continue in office until the next scheduled election.  
24 The California Department of Fish and Game shall serve as a  
25 permanent ex-officio member of the Alto and Baja Subarea Advisory  
26 Committees. Rules and regulations regarding organization, meetings  
27 and other activities shall be at the discretion of the individual

28 ///

1 Subarea Advisory Committees, except that all meetings of the  
2 committees shall be open to the public.

3 32. Compensation. The Subarea Advisory Committee  
4 members shall serve without compensation.

5 33. Powers and Functions. The Subarea Advisory  
6 Committee for each Subarea shall act in an advisory capacity only  
7 and shall have the duty to study, review and make recommendations  
8 on all discretionary determinations made or to be made hereunder by  
9 Watermaster which may affect that Subarea.

10 E. TRANSFERABILITY.

11 34. Assignment, Transfer, etc. of Rights. In order to  
12 further the purposes of this Judgment and Physical Solution, any  
13 Base Annual Production Right, or any portion thereof, may be sold,  
14 assigned, transferred, licensed or leased pursuant to the rules and  
15 procedures set forth in Exhibit "F".

16 F. MISCELLANEOUS PROVISIONS.

17 35. Water Quality. Nothing in this Judgment shall be  
18 interpreted as relieving any Party of its responsibilities to  
19 comply with state or federal laws for the protection of water  
20 quality or the provisions of any permits, standards, requirements,  
21 or orders promulgated thereunder.

22 36. Review Procedures. Any action, decision, rule or  
23 procedure of Watermaster pursuant to this Judgment shall be subject  
24 to review by the Court on its own motion or on timely motion by any  
25 Party, as follows:

26 a. Effective Date of Watermaster Action. Any  
27 order, decision or action of Watermaster pursuant to this Judgment  
28 on noticed specific agenda items shall be deemed to have occurred

1 on the date of the order, decision or action.

2 b. Notice of Motion. Any Party, may, by a  
3 regularly noticed motion, petition the Court for review of  
4 Watermaster's action or decision pursuant to this Judgment. The  
5 motion shall be deemed to be filed when a copy, conformed as filed  
6 with the Court, has been delivered to Watermaster together with the  
7 service fee established by Watermaster sufficient to cover the cost  
8 to photocopy and mail the motion to each Party. Watermaster shall  
9 prepare copies and mail a copy of the motion to each Party or its  
10 designee according to the official service list which shall be  
11 maintained by Watermaster according to Paragraph 37. A Party's  
12 obligation to serve notice of a motion upon the Parties is deemed  
13 to be satisfied by filing the motion as provided herein. Unless  
14 ordered by the Court, any such petition shall not operate to stay  
15 the effect of any Watermaster action or decision which is  
16 challenged.

17 c. Time for Motion. A motion to review any  
18 Watermaster action or decision shall be filed within ninety (90)  
19 days after such Watermaster action or decision, except that motions  
20 to review Watermaster Assessments hereunder shall be filed within  
21 thirty (30) days of mailing of notice of the Assessment.

22 d. De Novo Nature of Proceeding. Upon filing of a  
23 petition to review Watermaster action, the Watermaster shall notify  
24 the Parties of a date when the Court will take evidence and hear  
25 argument. The Court's review shall be de novo and the Watermaster  
26 decision or action shall have no evidentiary weight in such  
27 proceeding.

28 ///

1 e. Decision. The decision of the Court in such  
2 proceeding shall be an appealable Supplemental Order in this case.  
3 When the same is final, it shall be binding upon Watermaster and  
4 the Parties.

5 f. Payment of Assessments. Payment of Assessments  
6 levied by Watermaster hereunder shall be made pursuant to the time  
7 schedule in Exhibit "D"; notwithstanding any motion for review of  
8 Watermaster actions, decisions, rules or procedures, including  
9 review of Watermaster Assessments.

10 37. Designation of Address for Notice and Service. Each  
11 Party shall designate the name and address to be used for purposes  
12 of all subsequent notices and service herein, either by its  
13 endorsement on the Stipulation for Judgment or by a separate  
14 designation to be filed within thirty (30) days after Judgment has  
15 been entered. Said designation may be changed from time to time by  
16 filing a written notice of such change with Watermaster. Any Party  
17 desiring to be relieved of receiving notices of Watermaster  
18 activity may file a waiver of notice on a form to be provided by  
19 Watermaster. Watermaster shall maintain at all times a current  
20 list of Parties to whom notices are to be sent and their addresses  
21 for purposes of service. Watermaster shall also maintain a full  
22 current list of names and addresses of all Parties or their  
23 successors, as filed herein. Copies of such lists shall be  
24 available to any Person. If no designation is made, a Party's  
25 designee shall be deemed to be, in order of priority: i) the  
26 Party's attorney of record; ii) if the Party does not have an  
27 attorney of record, the Party itself at the address on the  
28 Watermaster list.

1           38. Service of Documents. Delivery to or service upon  
2 any Party by Watermaster, by any other Party, or by the Court, of  
3 any document required to be served upon or delivered to a Party  
4 under or pursuant to the Judgment shall be deemed made if made by  
5 Deposit thereof (or by copy thereof) in the mail, first class,  
6 postage prepaid, addressed to the designee of the Party and at the  
7 address shown in the latest designation filed by that Party.

8           39. No Abandonment of Rights. It is in the interest of  
9 reasonable beneficial use of the Basin Area and its water supply  
10 that no Party be encouraged to take and use more water in any Year  
11 than is actually required. Failure to Produce all of the water to  
12 which a Party is entitled hereunder shall not, in and of itself, be  
13 deemed or constitute an abandonment of such Party's right, in whole  
14 or in part.

15           40. Intervention After Judgment. Any person who is not  
16 a Party or successor to a Party and who proposes to Produce water  
17 from the Basin Area may seek to become a Party to this Judgment  
18 through a Stipulation for Intervention entered into with  
19 Watermaster. Watermaster may execute said Stipulation on behalf of  
20 the other Parties herein but such Stipulation shall not preclude a  
21 Party from opposing such Intervention at the time of the Court  
22 hearing thereon. Said Stipulation for Intervention must thereupon  
23 be filed with the Court, which will consider an order confirming  
24 said intervention following thirty (30) days' notice to the  
25 Parties. Thereafter, if approved by the Court, such intervenor  
26 shall be a Party bound by this Judgment and entitled to the rights  
27 and privileges accorded under the Physical Solution herein.

28       ///

1           41. Recordation of Notice. MWA shall within sixty (60)  
2 days following entry of this Judgment record in the Office of the  
3 County Recorder of the County of San Bernardino a notice  
4 substantially complying with the notice content requirements set  
5 forth in Section 2529 of the California Water Code.

6           42. Judgment Binding on Successors, etc. Subject to  
7 specific provisions hereinbefore contained, this Judgment and all  
8 provisions thereof are applicable to and binding upon and inure to  
9 the benefit of not only the Parties to this action, but as well to  
10 their respective heirs, executors, administrators, successors,  
11 assigns, lessees, licensees and to the agents, employees and  
12 attorneys in fact of any such Persons.

13           43. Costs. No Party stipulating to this Judgment shall  
14 recover any costs or attorneys fees in this proceeding from another  
15 stipulating Party.

16           44. Entry of Judgment. The Clerk shall enter this  
17 Judgment.

18 Dated: **JAN 10** 1996

19  
20 **E. MICHAEL KAISER**

21 E. Michael Kaiser, Judge  
22 Superior Court of the State  
23 of California for the  
24 County of Riverside  
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EXHIBIT A

MAP OF MOJAVE BASIN AREA

[INDEX MAP AND DETAIL SHEET CONSISTING OF 42  
1" = 4,000' SCALE MAPS COVERING THE BASIN  
AREA; THE MAP IS ON DISPLAY AT THE OFFICE OF  
THE MOJAVE WATER AGENCY, 22450 HEADQUARTERS,  
APPLE VALLEY, CA 92307 AND ON FILE WITH THE  
COURT]

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EXHIBIT B

PRODUCTION TABLES

CONTENTS

TABLE B-1: TABLE SHOWING BASE ANNUAL PRODUCTION AND BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN EACH SUBAREA AND FREE PRODUCTION ALLOWANCES FOR EACH SUBAREA FOR THE FIRST FIVE YEARS AFTER ENTRY OF THE INTERLOCUTORY JUDGMENT

TABLE B-2: TABLE SHOWING TOTAL VERIFIED PRODUCTION, BASE ANNUAL PRODUCTION AND RECIRCULATED WATER PRODUCTION FOR AQUACULTURE AND FOR RECREATIONAL LAKES

~~12/30/92~~  
~~01/30/93~~  
~~02/28/93~~  
~~04/10/93~~  
~~04/30/93~~  
09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ESTE SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ESTE SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
ABSHIRE, DAVID V	24	0.1093	24	22	21	20	19
ANDERSON, ROSS C & BETTY J	34	0.1548	34	32	30	28	27
BAR H MUTUAL WATER COMPANY	53	0.2414	53	50	47	45	42
BELL, CHUCK	494	2.2497	494	469	444	419	395
BURNS, BOBBY J & EVELYN J	1,300	5.9204	1,300	1,235	1,170	1,105	1,040
CASA COLINA FOUNDATION	90	0.4099	90	85	81	76	72
CENTER WATER CO	40	0.1822	40	38	36	34	32
CLUB VIEW PARTNERS	1,276	5.8111	1,276	1,212	1,148	1,084	1,020
CROSS, LAWRENCE E	23	0.1047	23	21	20	19	18
CRYSTAL HILLS WATER COMPANY	194	0.8835	194	184	174	164	155
DAHLQUIST, GEORGE R	594	2.7052	594	564	534	504	475
DELPERDANG, ROBERT H	56	0.2550	56	53	50	47	44
DESERT DAWN MUTUAL WATER COMPANY	15	0.0683	15	14	13	12	12
GABTA, TRINIDAD	512	2.3317	512	486	460	435	409
GAYJIKIAN, SAMUEL & HAZEL	102	0.4645	102	96	91	86	81
GRACETOWN INVESTMENT CO - JETCO PROP FUND	752	3.4247	752	714	676	639	601
GUBLER, HANS	30	0.1366	30	28	27	25	24
HAL-DOR LTD	23	0.1047	23	21	20	19	18
HANDLEY, DON R & MARY ANN	73	0.3325	73	69	65	62	58
HART, MERRILL W	473	2.1541	473	449	425	402	378
HERT, SCOTT	276	1.2569	276	262	248	234	220
HI-GRADE MATERIALS	442	2.0129	442	419	397	375	353
HITCHIN LUCERNE, INC	16	0.0729	16	15	14	13	12
JAMS RANCH	28	0.1275	28	26	25	23	22

~~10/10/92~~  
~~01/20/93~~  
~~02/02/93~~  
~~04/10/93~~  
~~04/20/93~~  
09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ESTE SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ESTE SUBARBA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
JUBILEE MUTUAL WATER COMPANY	142	0.6467	142	134	127	120	113
JUNIPER RIVIERA COUNTY WATER DISTRICT	37	0.1685	37	35	33	31	29
LEE, DOO HWAN	78	0.3552	78	74	70	66	62
LOPEZ, BALTAZAR	385	1.7533	385	365	346	327	308
LUA, ANTONIO	348	1.5848	348	330	313	295	278
LUCERNE VALLEY MUTUAL WATER COMPANY	54	0.2459	54	51	48	45	43
LUCERNE VALLEY PARTNERS	1,213	5.5242	1,213	1,152	1,091	1,031	970
LUCERNE VISTA WATER CO	21	0.0956	21	19	18	17	16
MITSUBISHI CEMENT CORPORATION	1,299	5.9158	1,299	1,234	1,169	1,104	1,039
MONACO INVESTMENT COMPANY	70	0.3188	70	66	63	59	56
MOSS, LAWRENCE W & HELEN J	43	0.1958	43	40	38	36	34
PARK, CHANHO	597	2.7188	597	567	537	507	477
PARK, JEONG, IL & HEA JA	96	0.4372	96	91	86	81	76
PEREZ, EVA	247	1.1249	247	234	222	209	197
PETTIGREW, DAN	1,422	6.4760	1,422	1,350	1,279	1,208	1,137
PETTIGREW, HOWARD L	1,500	6.8312	1,500	1,425	1,350	1,275	1,200
PLUESS-STAUFER CALIFORNIA INC	23	0.1047	23	21	20	19	18
REED, MIKE	58	0.2641	58	55	52	49	46
ROGERS, ROY	1,449	6.5990	1,449	1,376	1,304	1,231	1,159
SAN BERNARDINO CO SERVICE AREA 29	21	0.0956	21	19	18	17	16
SEALS, LAWRENCE	113	0.5146	113	107	101	96	90
SON'S RANCH	140	0.6376	140	133	126	119	112
SOUTHERN CALIFORNIA WATER COMPANY	178	0.8106	178	169	160	151	142
SPECIALTY MINERALS, INC	42	0.1913	42	39	37	35	33

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09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ESTE SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ESTE SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
SPILLMAN, JAMES R & NANCY J	23	0.1047	23	21	20	19	18
STEWART WATER COMPANY	54	0.2459	54	51	48	45	43
STRINGER, W EDWARD	573	2.6095	573	544	515	487	458
THE CUSHENBURY TRUST, C/O SPECIALTY MINERALS, INC	10	0.0455	10	9	9	8	8
TURNER, LOYD & CAROL	77	0.3507	77	73	69	65	61
VISOSKY, JOSEPH F JR	1,120	5.1006	1,120	1,064	1,008	952	896
WEISER, SIDNEY & RAQUEL	90	0.4099	90	85	81	76	72
WILLOW WELLS MUTUAL WATER COMPANY	30	0.1366	30	28	27	25	24

~~10/10/82~~  
~~01/20/83~~  
~~02/02/83~~  
~~04/20/83~~  
~~04/20/83~~  
09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ESTE SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ESTE SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
MINIMAL PRODUCER POOL	2,000	9.1083	2,000	1,900	1,800	1,700	1,600
UNIDENTIFIED/UNVERIFIED PRODUCER POOL	1,485	6.7629					
ESTE SUBAREA TOTALS =	21,958	100					

- 1 Base Annual Production is the reported maximum year production for each producer for the five year period 1986-1990. These values reflect the maximum production determined by one or more of the following: Southern California Edison records, site inspection, land use estimates from 1987 and 1989 aerial photography and responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.
- 2 Base Annual Production Right expressed as a percentage of the Total Base Annual Production.
- 3 Values based on production ramp down of five percent (5%) per year. Free Production Allowance for the fifth year is equal to eighty percent (80%) of the Base Annual Production.

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09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN OESTE SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

OESTE SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
AEROCHEM, INC	660	5.3645	660	627	594	561	528
BROWN, DOUG & SUB	46	0.3739	46	43	41	39	36
CHAMISAL MUTUAL	96	0.7803	96	91	86	81	76
DAVIS, PAUL	19	0.1544	19	18	17	16	15
DOSSEY, D A	14	0.1138	14	13	12	11	11
MEADOWBROOK DAIRY	2,335	18.9791	2,335	2,218	2,101	1,984	1,868
RESSEGUE, JOHN & BILL	259	2.1052	259	246	233	220	207
SAN BERNARDINO CO SERVICE AREA 70G	110	0.8941	110	104	99	93	88
SAN BERNARDINO CO SERVICE AREA 70L	1,306	10.6153	1,306	1,240	1,175	1,110	1,044
THORESON, ROBERT F & A KATHLEEN	40	0.3251	40	38	36	34	32
TROGER, RICHARD H	112	0.9103	112	106	100	95	89
VAN DAM BROTHERS	1,860	15.1183	1,860	1,767	1,674	1,581	1,488

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~~03/03/93~~  
~~04/18/93~~  
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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN OESTE SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

OESTE SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
MINIMAL PRODUCER POOL	1,500	12.1921	1,500	1,425	1,350	1,275	1,200
UNIDENTIFIED/UNVERIFIED PRODUCER POOL	3,946	32.0735					
OESTE SUBAREA TOTALS =	12,303	100					

- 1 Base Annual Production is the reported maximum year production for each producer for the five year period 1986-1990. These values reflect the maximum production determined by one or more of the following: Southern California Edison records, site inspection, land use estimates from 1987 and 1989 aerial photography and responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.
- 2 Base Annual Production Right expressed as a percentage of the Total Base Annual Production.
- 3 Values based on production ramp down of five percent (5%) per year. Free Production Allowance for the fifth year is equal to eighty percent (80%) of the Base Annual Production.

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBARRA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
ABBOND, EDWARD & GRACE	28	0.0229	28	26	25	23	22
ABBOTT, LEONARD C	284	0.2321	284	269	255	241	227
ADELANTO, CITY OF	1,573	1.2855	1,573	1,494	1,415	1,337	1,258
ADELANTO, CITY OF - GEORGE A F B	3,433	2.8055	3,433	3,261	3,089	2,918	2,746
AGCON, INC	384	0.3138	384	364	345	326	307
APPLE VALLEY COUNTRY CLUB	709	0.5794	709	673	638	602	567
APPLE VALLEY DEVELOPMENT	724	0.5917	724	687	651	615	579
APPLE VALLEY FOOTHILL CO WATER DISTRICT	167	0.1365	167	158	150	141	133
APPLE VALLEY HEIGHTS COUNTY WATER DISTRICT	125	0.1022	125	118	112	106	100
APPLE VALLEY RANCHOS WATER COMPANY	13,022	10.6419	13,022	12,370	11,719	11,068	10,417
APPLE VALLEY RECREATION & PARKS	45	0.0368	45	42	40	38	36
APPLE VALLEY VIEW MUTUAL WATER CO	36	0.0294	36	34	32	30	28
APPLE VALLEY, TOWN OF	298	0.2435	298	283	268	253	238
ARC LAS FLORES	6,331	5.1739	6,331	6,014	5,697	5,381	5,064
BACA, ENRIQUE	74	0.0605	74	70	66	62	59
BALDY MESA WATER DISTRICT	1,495	1.2218	1,495	1,420	1,345	1,270	1,196
BASS, NEWTON T	514	0.4201	514	488	462	436	411
BASTIANON, REMO	77	0.0629	77	73	69	65	61
BASURA, STEVE	25	0.0204	25	23	22	21	20
BEINSCHROTH, A J	90	0.0736	90	85	81	76	72
BOYCE, KENNETH & WILLA	102	0.0834	102	96	91	86	81
BROWN, BOBBY G & VALERIA R	42	0.0343	42	39	37	35	33
BURNS, ULYSSES & ANNIE L	164	0.1340	164	155	147	139	131
CARDOZO, MANUEL & MARIA	909	0.7429	909	863	818	772	727

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
CDFG - MOJAVE NARROWS REGIONAL PARK	2,107	1.7219	2,107	2,001	1,896	1,790	1,685
CDFG - MOJAVE RIVER FISH HATCHERY	20	0.0163	20	19	18	17	16
CLARK, KENNETH R	223	0.1822	223	211	200	189	178
CLEAR VIEW FARMS	501	0.4094	501	475	450	425	400
COPELAND, ET AL (C/O DON W. LITTLE)	175	0.1430	175	166	157	148	140
CRAMER, MARGARET MUIR	280	0.2288	280	266	252	238	224
CUNNINGHAM, WILLIAM	29	0.0237	29	27	26	24	23
DEXTER, CLAIR F	175	0.1430	175	166	157	148	140
DEXTER, J P	515	0.4209	515	489	463	437	412
DIBERNARDO, JOHN	203	0.1659	203	192	182	172	162
DOLCH, ROBERT & JUDY	426	0.3481	426	404	383	362	340
DOMBROWSKI, MICHAEL W & SUSAN M	19	0.0155	19	18	17	16	15
DOWSE, PHILIP	20	0.0163	20	19	18	17	16
EVENSON, EDWIN H & JOYCELAINE	70	0.0572	70	66	63	59	56
FISHER, DOLORES DR	48	0.0392	48	45	43	40	38
FISHER, JEROME	633	0.5173	633	601	569	538	506
FITZWATER, R E	291	0.2378	291	276	261	247	232
GARCIA, SONIA L	288	0.2354	288	273	259	244	230
GOMBZ, CIRIL - LIVING TRUST	330	0.2697	330	313	297	280	264
GREEN ACRES ESTATES	25	0.0204	25	23	22	21	20
GULBRANSON, MERLIN	163	0.1332	163	154	146	138	130
HELENDALE SCHOOL DISTRICT	18	0.0147	18	17	16	15	14
HESPERIA GOLF AND COUNTRY CLUB	678	0.5541	678	644	610	576	542
HESPERIA WATER DISTRICT	12,213	9.9808	12,213	11,602	10,991	10,381	9,770

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE- FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
HI-GRADE MATERIALS	149	0.1218	149	141	134	126	119
HODGE, STANLEY W	67	0.0548	67	63	60	56	53
HOLWAY, ROBERT	88	0.0719	88	83	79	74	70
HRUBIK, THOMAS A	3,862	3.1561	3,862	3,668	3,475	3,282	3,089
INDUSTRIAL ASPHALT	109	0.0891	109	103	98	92	87
JESS RANCH WATER COMPANY	7,480	6.1129	7,480	7,106	6,732	6,358	5,984
JOHNSON, LARRY & CARLEAN	82	0.0670	82	77	73	69	65
JOHNSON, RONALD	31	0.0253	31	29	27	26	24
JOHNSTON, HARRIET AND LARRY W	127	0.1038	127	120	114	107	101
KEMPER CAMPBELL RANCH	473	0.3865	473	449	425	402	378
LAKE ARROWHEAD COMMUNITY SERVICES DISTRICT	658	0.5377	658	625	592	559	526
LAWSON, ERNEST & BARBARA	15	0.0123	15	14	13	12	12
LENHERT, RONALD & TONI	37	0.0302	37	35	33	31	29
LEWIS HOMES OF CALIFORNIA	1,693	1.3836	1,693	1,608	1,523	1,439	1,354
LONGMAN, JACK	115	0.0940	115	109	103	97	92
LOUNSBURY, J PETER & CAROLYN	208	0.1700	208	197	187	176	166
LOW, ROBERT	399	0.3261	399	379	359	339	319
LUCKEY, MANLEY J	800	0.6538	800	760	720	680	640
LUTH, KEN	27	0.0221	27	25	24	22	21
MARIANA RANCHOS COUNTY WATER DISTRICT	245	0.2002	245	232	220	208	196
MCCALL, REX	44	0.0360	44	41	39	37	35
MCINNIS, WILLIAM S	30	0.0245	30	28	27	25	24
MITCHELL, ROBIN & JUDITH	36	0.0294	36	34	32	30	28
MURPHY, BERNARD H	25	0.0204	25	23	22	21	20

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
MURPHY, BERNARD TRUST	162	0.1324	162	153	145	137	129
MURPHY, KENNETH	42	0.0343	42	39	37	35	33
MUTUAL FUNDING CORP	101	0.0825	101	95	90	85	80
NAVAJO MUTUAL WATER CO	88	0.0719	88	83	79	74	70
NUNN, DONALD & PEARL	66	0.0539	66	62	59	56	52
O'BRYANT, ROBERT C & BARBARA	107	0.0874	107	101	96	90	85
ORMSBY, HARRY G	386	0.3154	386	366	347	328	308
PALISADES RANCH	824	0.6734	824	782	741	700	659
PARKER, DAVID E	37	0.0302	37	35	33	31	29
PEARL, ALICE	147	0.1201	147	139	132	124	117
PEARSON, DERYL B	22	0.0180	22	20	19	18	17
PERRY, THOMAS A	35	0.0286	35	33	31	29	28
PETTIS TRUST	126	0.1030	126	119	113	107	100
PHENIX PROPERTIES LTD	652	0.5328	652	619	586	554	521
PITTMAN, LEROY W	148	0.1209	148	140	133	125	118
POLICH, LEE & DONNA	65	0.0531	65	61	58	55	52
RANCHERITOS MUTUAL WATER CO	169	0.1381	169	160	152	143	135
RIVERSIDE CEMENT CO - ORO GRANDE PLANT	3,452	2.8211	3,452	3,279	3,106	2,934	2,761
ROGERS, ROY (ORO GRANDE RANCH)	115	0.0940	115	109	103	97	92
RUDMAN, ROBERT T	300	0.2452	300	285	270	255	240
RUE RANCH	30	0.0245	30	28	27	25	24
SAN BERNARDINO CO SERVICE AREA 42	465	0.3800	465	441	418	395	372
SAN BERNARDINO CO SERVICE AREA 64	3,822	3.1234	3,822	3,630	3,439	3,248	3,057
SAN BERNARDINO CO SERVICE AREA 70C	2,346	1.9172	2,346	2,228	2,111	1,994	1,876

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TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
SAN BERNARDINO CO SERVICE AREA 70J	1,005	0.8213	1,005	954	904	854	804
SAN BERNARDINO CO SERVICE AREA 70L	355	0.2901	355	337	319	301	284
SAN FILIPPO, JOSEPH & SHELLEY	35	0.0286	35	33	31	29	28
SILVER LAKES ASSOCIATION	3,987	3.2583	3,987	3,787	3,588	3,388	3,189
SOUTHDOWN, INC	1,519	1.2414	1,519	1,443	1,367	1,291	1,215
SOUTHERN CALIFORNIA WATER COMPANY	940	0.7682	940	893	846	799	752
SPRING VALLEY LAKE ASSOCIATION	3,056	2.4974	3,056	2,903	2,750	2,597	2,444
SPRING VALLEY LAKE COUNTRY CLUB	977	0.7984	977	928	879	830	781
STORM, RANDALL	62	0.0507	62	58	55	52	49
SUDMEYER, GLENN W	121	0.0989	121	114	108	102	96
SUMMIT VALLEY RANCH	452	0.3694	452	429	406	384	361
TATRO, RICHARD K & SANDRA A	280	0.2288	280	266	252	238	224
TATUM, JAMES B	829	0.6775	829	787	746	704	663
TAYLOR, ALLEN C / HAYMAKER RANCH	456	0.3727	456	433	410	387	364
THOMAS, S DALE	440	0.3596	440	418	396	374	352
THOMAS, WALTER	36	0.0294	36	34	32	30	28
THOMPSON, JAMES A	418	0.3416	418	397	376	355	334
THOMPSON, RODGER	76	0.0621	76	72	68	64	60
THRASHER, GARY	373	0.3048	373	354	335	317	298
THUNDERBIRD COUNTY WATER DISTRICT	118	0.0964	118	112	106	100	94
TURNER, ROBERT	70	0.0572	70	66	63	59	56
VAIL, JOSEPH B & PAULA B	126	0.1030	126	119	113	107	100
VAN BURGER, CARL	710	0.5802	710	674	639	603	568
VAN LEEUWEN FAMILY TRUST	341	0.2787	341	323	306	289	272

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TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
VANNI, MIKE	54	0.0441	54	51	48	45	43
VICTOR VALLEY COMMUNITY COLLEGE DIST	240	0.1961	240	228	216	204	192
VICTOR VALLEY WATER DISTRICT	13,354	10.9133	13,354	12,686	12,018	11,350	10,683
VICTORVILLE, CITY OF	12	0.0098	12	11	10	10	9
VOGLER, ALBERT H	132	0.1079	132	125	118	112	105
WACKERN, CAESAR	1,635	1.3362	1,635	1,553	1,471	1,389	1,308
WAKULA, JOHN	291	0.2378	291	276	261	247	232
WARD, KEN & BARBARA	65	0.0531	65	61	58	55	52
WEBER, DAVE	80	0.0654	80	76	72	68	64
WEST, CAROLYN & SMITH, RICHARD	24	0.0196	24	22	21	20	19
WEST, HOWARD & SUZY	72	0.0588	72	68	64	61	57
WHITTINGHAM, RICHARD V	15	0.0123	15	14	13	12	12
YEAGER, E L - CONSTRUCTION COMPANY INC	34	0.0278	34	32	30	28	27

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TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN ALTO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

ALTO SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
MINIMAL PRODUCER POOL	4,000	3.2689	4,000	3,800	3,600	3,400	3,200
UNIDENTIFIED/UNVERIFIED PRODUCER POOL	4,967	4.0592					
ALTO SUBAREA TOTALS =	122,365	100					

- 1 Base Annual Production is the reported maximum year production for each producer for the five year period 1986-1990. These values reflect the maximum production determined by one or more of the following: Southern California Edison records, site inspection, land use estimates from 1987 and 1989 aerial photography and responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.
- 2 Base Annual Production Right expressed as a percentage of the Total Base Annual Production.
- 3 Values based on production ramp down of five percent (5%) per year. Free Production Allowance for the fifth year is equal to eighty percent (80%) of the Base Annual Production.

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN CENTRO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

CENTRO SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST <sup>3</sup> YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
AGCON, INC	0	0.0000	0	0	0	0	0
AGUAYO, JEANETTE L	212	0.3742	212	201	190	180	169
ATCHISON, TOPEKA, SANTA FE RAILWAY CO	120	0.2118	120	114	108	102	96
AVDEEF, THOMAS	34	0.0600	34	32	30	28	27
AZTEC FARM DEVELOPMENT COMPANY	220	0.3883	220	209	198	187	176
BARNES, FAY - EXECUTOR OF ESTATE OF WAYNE BARNES	243	0.4289	243	230	218	206	194
BROMMER, HARVIN	361	0.6372	361	342	324	306	288
BURNS, RITA J & PAMELA E	16	0.0282	16	15	14	13	12
CHAFAR, LARRY R	96	0.1694	96	91	86	81	76
CHOI, YONG IL & JOUNG AE	38	0.0671	38	36	34	32	30
CHRISTISON, JOEL	75	0.1324	75	71	67	63	60
COOK, KWON W	169	0.2983	169	160	152	143	135
DE VRIES, NEIL	3,800	6.7070	3,800	3,610	3,420	3,230	3,040
DESERT COMMUNITY BANK	156	0.2753	156	148	140	132	124
DURAN, FRANK T	50	0.0883	50	47	45	42	40
GAINES, JACK	117	0.2065	117	111	105	99	93
GBSIRIECH, WAYNE	121	0.2136	121	114	108	102	96
GORMAN, VIRGIL	138	0.2436	138	131	124	117	110
GRIEDER, RAYMOND H & DORISANNE	30	0.0530	30	28	27	25	24
GRILL, NICHOLAS P & MILLIE D	21	0.0371	21	19	18	17	16
GROEN, CORNELIS	1,043	1.8409	1,043	990	938	886	834
HANIFY, DBA - WHITE BEAR RANCH	152	0.2683	152	144	136	129	121
HARMSEN, JAMES & RUTH ANN	1,522	2.6863	1,522	1,445	1,369	1,293	1,217
HARPER LAKE COMPANY	1,433	2.5293	1,433	1,361	1,289	1,218	1,146

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN CENTRO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

CENTRO SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
HI DESERT MUTUAL WATER CO	34	0.0600	34	32	30	28	27
HILEMAN, KATHERINE	19	0.0335	19	18	17	16	15
HILL, MELVIN	2,335	4.1213	2,335	2,218	2,101	1,984	1,868
HOY, MIKE	632	1.1155	632	600	568	537	505
JORDAN, RAYMOND	460	0.8119	460	437	414	391	368
JUSTICE, CHRIS	421	0.7431	421	399	378	357	336
KING, GENEVIEVE E	69	0.1218	69	65	62	58	55
LEE, SEPOONG ETAL & WOO POONG	77	0.1359	77	73	69	65	61
LEYERLY, GENEVA	65	0.1147	65	61	58	55	52
LEYERLY, RICHARD	862	1.5214	862	818	775	732	689
LUDINGTON, JAMES E & JO ANN	58	0.1024	58	55	52	49	46
LYON, LOUIS & BRIKA	130	0.2295	130	123	117	110	104
MARTIN, LENDELL	14	0.0247	14	13	12	11	11
MCCOLLUM, CHARLES L	347	0.6125	347	329	312	294	277
MEAD, G C	90	0.1589	90	85	81	76	72
MEYERS, LONNIE	27	0.0477	27	25	24	22	21
MITCHELL, CHARLES A	201	0.3548	201	190	180	170	160
MOFFITT, THOMAS R & EDITH I	62	0.1094	62	58	55	52	49
MOST, MILTON W	9,660	17.0500	9,660	9,177	8,694	8,211	7,728
NELSON, MILDRED L	52	0.0918	52	49	46	44	41
NEWBERRY SPRINGS COMPANY, INC	2,489	4.3931	2,489	2,364	2,240	2,115	1,991
OHAI, REYNOLDS & DOROTHY	137	0.2418	137	130	123	116	109
OROPEZA, JOSE M	190	0.3354	190	180	171	161	152
OSTERKAMP, GEROLD	260	0.4589	260	247	234	221	208

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN CENTRO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

CENTRO SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
OWL ROCK PRODUCTS COMPANY	466	0.8225	466	442	419	396	372
PG & B	1,657	2.9246	1,657	1,574	1,491	1,408	1,325
REDDY, BOMMI V & KARUNA V	24	0.0424	24	22	21	20	19
ROWLAND, JAMES & HELEN	22	0.0388	22	20	19	18	17
RUISCH, DALE W	650	1.1473	650	617	585	552	520
SHIRKEY, ALAN G & MARY E	35	0.0618	35	33	31	29	28
SMITH, ROBERT A	43	0.0759	43	40	38	36	34
SOPPELAND, WAYNE	783	1.3820	783	743	704	665	626
SOUTHERN CALIFORNIA WATER COMPANY	11,309	19.9605	11,309	10,743	10,178	9,612	9,047
SPINK, WALTHALL	44	0.0777	44	41	39	37	35
ST CHARLES, DONALD B	609	1.0749	609	578	548	517	487
SUN 'N SKY COUNTRY CLUB	337	0.5948	337	320	303	286	269
TALLAKSON, WILLIAM V	17	0.0300	17	16	15	14	13
TILLEMA, HAROLD	874	1.5426	874	830	786	742	699
VAN DAM, ELBERT & SUSAN	722	1.2743	722	685	649	613	577
VAN LEEUWEN, JOHN	1,922	3.3923	1,922	1,825	1,729	1,633	1,537
VAN VLIET, HENDRIKA	820	1.4473	820	779	738	697	656
VANHOF, LUTHER C	23	0.0406	23	21	20	19	18
VERNOLA, PAT	3,116	5.4998	3,116	2,960	2,804	2,648	2,492
VISSER, ANNIE	91	0.1606	91	86	81	77	72
YANG, YOUNG MO	371	0.6548	371	352	333	315	296
YKEMA HARMSSEN DAIRY	1,000	1.7650	1,000	950	900	850	800

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN CENTRO SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

CENTRO SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
MINIMAL PRODUCER POOL	2,000	3.5300	2,000	1,900	1,800	1,700	1,600
UNIDENTIFIED/UNVERIFIED PRODUCER POOL	864	1.5250					
CENTRO SUBAREA TOTALS =	56,657	100					

- 1 Base Annual Production is the reported maximum year production for each producer for the five year period 1986-1990. These values reflect the maximum production determined by one or more of the following: Southern California Edison records, site inspection, land use estimates from 1987 and 1989 aerial photography and responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.
- 2 Base Annual Production Right expressed as a percentage of the Total Base Annual Production.
- 3 Values based on production ramp down of five percent (5%) per year. Free Production Allowance for the fifth year is equal to eighty percent (80%) of the Base Annual Production.

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
AKE, CHARLES J & MARJORIE M	23	0.0333	23	21	20	19	18
ANGERSER, ROBERT J & PEGGY	24	0.0347	24	22	21	20	19
ANTELOPE VALLEY DAIRY	5,430	7.8597	5,430	5,158	4,887	4,615	4,344
ARGUELLES, ALFREDO	1,047	1.5155	1,047	994	942	889	837
ATCHISON, TOPEKA, SANTA FE RAILWAY CO	80	0.1158	80	76	72	68	64
BAGLEY, ROY	20	0.0289	20	19	18	17	16
BALDERRAMA, ALFRED & LINDA	250	0.3619	250	237	225	212	200
BALL, DAVID P	81	0.1172	81	76	72	68	64
BARAK, RICHARD	132	0.1911	132	125	118	112	105
BARBER, JAMES B	167	0.2417	167	158	150	141	133
BARSTOW CALICO K O A	24	0.0347	24	22	21	20	19
BAUR, KARL & RITA	26	0.0376	26	24	23	22	20
BEDINGFIELD, LYNDLELL & CHARLENE	56	0.0811	56	53	50	47	44
BENTON, PHILIP G	35	0.0507	35	33	31	29	28
BORGOGNO, STEVEN & LILLIAN B	1,844	2.6691	1,844	1,751	1,659	1,567	1,475
BOWMAN, EDWIN L	31	0.0449	31	29	27	26	24
BROWN, RONALD A	1,080	1.5632	1,080	1,026	972	918	864
BROWY, ORVILLE & LOUISE	33	0.0478	33	31	29	28	26
BRUINS, NICHOLAS	29	0.0420	29	27	26	24	23
CALICO LAKES HOMEOWNERS ASSOCIATION	1,031	1.4923	1,031	979	927	876	824
CALIF DEPT OF TRANSPORTATION	71	0.1028	71	67	63	60	56
CAMPBELL, M A & DIANNE	22	0.0318	22	20	19	18	17
CARTER, JOHN THOMAS	746	1.0798	746	708	671	634	596
CDFG - CAMP CADY	14	0.0203	14	13	12	11	11

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
CHANG, TIMOTHY & JANE	18	0.0261	18	17	16	15	14
CHASTAIN, W C	100	0.1447	100	95	90	85	80
CHEYENNE LAKE, INC	122	0.1766	122	115	109	103	97
CHIAO MEI DEVELOPMENT	451	0.6528	451	428	405	383	360
CHO BROTHERS RANCH	758	1.0972	758	720	682	644	606
CHUANG, MARSHAL	70	0.1013	70	66	63	59	56
CONNER, WILLIAM H	25	0.0362	25	23	22	21	20
COOL WATER RANCH	76	0.1100	76	72	68	64	60
CRYSTAL LAKES PROPERTY OWNERS ASSOCIATION	447	0.6470	447	424	402	379	357
DAGGETT COMMUNITY SERVICES DISTRICT	235	0.3402	235	223	211	199	188
DALJO CORPORATION	31	0.0449	31	29	27	26	24
DAVIS, RONALD & DONNA	53	0.0767	53	50	47	45	42
DE JONG, ALAN L	1,648	2.3854	1,648	1,565	1,483	1,400	1,318
DENNISON, QUENTIN D	29	0.0420	29	27	26	24	23
DESERT LAKES CORPORATION - (LAKE DOLORES)	483	0.6991	483	458	434	410	386
DOCIMO, DONALD P & PATRICIA J	23	0.0333	23	21	20	19	18
DONALDSON, JERRY & BEVERLY	90	0.1303	90	85	81	76	72
ELLISON, SUSAN	15	0.0217	15	14	13	12	12
EVKHANIAN, JAMES H	110	0.1592	110	104	99	93	88
FAWCETT, EDWARD C	20	0.0289	20	19	18	17	16
FELIX, ALAN E & CAROL L	36	0.0521	36	34	32	30	28
PERRO, DENNIS & NORMA	32	0.0463	32	30	28	27	25
FRIEND, JOSEPH & DEBORAH	60	0.0868	60	57	54	51	48
FUNDAMENTAL CHRISTIAN ENDRAVOR	285	0.4125	285	270	256	242	228

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 TABLE B-1  
 TABLE SHOWING BASE ANNUAL PRODUCTION AND  
 BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
 TOGETHER WITH FREE PRODUCTION ALLOWANCES  
 FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
GARCIA, DANIEL	23	0.0333	23	21	20	19	18
GOLD, HAROLD	249	0.3604	249	236	224	211	199
GRAVES, CHESTER B	32	0.0463	32	30	28	27	25
HAIGH, WHILLYN & MARGARET	32	0.0463	32	30	28	27	25
HALL, LARRY	23	0.0333	23	21	20	19	18
HARALIK, BESS & ROBERT	27	0.0391	27	25	24	22	21
HARDESTY, LESLIE E & BECKY J	47	0.0680	47	44	42	39	37
HARSON, NICHOLAS & MARY	30	0.0434	30	28	27	25	24
HARTER FARMS	1,083	1.5676	1,083	1,028	974	920	866
HARTER, JOE & SUE	738	1.0682	738	701	664	627	590
HARTLEY, LONNIE	19	0.0275	19	18	17	16	15
HARVEY, FRANK	38	0.0550	38	36	34	32	30
HENDLEY, RICK & BARBARA	48	0.0695	48	45	43	40	38
HIETT, PATRICIA J	16	0.0232	16	15	14	13	12
HILARIDES, FRANK	1,210	1.7514	1,210	1,149	1,089	1,028	968
HOLLISTER, ROBERT H & RUTH M	44	0.0637	44	41	39	37	35
HONG, PAUL B & MAY	95	0.1375	95	90	85	80	76
HORTON'S CHILDREN'S TRUST	106	0.1534	106	100	95	90	84
HORTON, JOHN MD	183	0.2649	183	173	164	155	146
HOSKING, JOHN W & JEAN	94	0.1361	94	89	84	79	75
HUBBARD, ESTER & MIZUNO, ARLEAN	28	0.0405	28	26	25	23	22
HUNT, RALPH M & LILLIAN F	31	0.0449	31	29	27	26	24
HUTCHISON, WILLIAM O	901	1.3042	901	855	810	765	720
HYATT, JAMES & BRENDA	210	0.3040	210	199	189	178	168

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBARRA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBARRA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
IRVIN, BERTRAND W	29	0.0420	29	27	26	24	23
J V A AIR INC	54	0.0782	54	51	48	45	43
JACKSON, RAY	20	0.0289	20	19	18	17	16
JOHNSON, JAMES R	247	0.3575	247	234	222	209	197
JUSTICE, CHRIS	6	0.0087	6	5	5	5	4
KAPLAN, ABRAHAM M	76	0.1100	76	72	68	64	60
KASNER, ROBERT	1,001	1.4489	1,001	950	900	850	800
KATCHER, AUGUST M & MARCELINE	23	0.0333	23	21	20	19	18
KEMP, ROBERT & ROSE	32	0.0463	32	30	28	27	25
KIEL, MARY	34	0.0492	34	32	30	28	27
KIM, JOON HO	764	1.1059	764	725	687	649	611
KOSHAREK, JOHN & JOANNE	54	0.0782	54	51	48	45	43
LAKE JODIE PROPERTY OWNERS ASSOCIATION	254	0.3677	254	241	228	215	203
LAKE WAIKIKI	98	0.1419	98	93	88	83	78
LAKE WAINANI OWNERS ASSOCIATION	202	0.2924	202	191	181	171	161
LANGLEY, MICHAEL R	20	0.0289	20	19	18	17	16
LAWRENCE, WILLIAM W	45	0.0651	45	42	40	38	36
LBE, MOON & OKBEA	49	0.0709	49	46	44	41	39
LBE, VIN JANG T	630	0.9119	630	598	567	535	504
LESHIN, CONNIE & SOL	1,416	2.0496	1,416	1,345	1,274	1,203	1,132
LESHIN, SOL	1,997	2.8906	1,997	1,897	1,797	1,697	1,597
LEVINE, DR LESLIE	1,637	2.3695	1,637	1,555	1,473	1,391	1,309
LONG, BALLARD	35	0.0507	35	33	31	29	28
M BIRD CONSTRUCTION	41	0.0593	41	38	36	34	32

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup>	BASE ANNUAL <sup>2</sup>	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
	PRODUCTION  (ACRE-FEET)	PRODUCTION RIGHT (PERCENT)	FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
MAHJOUBI, APSAR S	63	0.0912	63	59	56	53	50
MALIN, LILY	54	0.0782	54	51	48	45	43
MALONEY, JANICE	36	0.0521	36	34	32	30	28
MARCROFT, JAMES A & JOAN	38	0.0550	38	36	34	32	30
MARSHALL, CHARLES	20	0.0289	20	19	18	17	16
MAYBERRY, DONALD J	41	0.0593	41	38	36	34	32
MILBRAT, IRVING	73	0.1057	73	69	65	62	58
MITCHELL, CHARLOTTE	115	0.1665	115	109	103	97	92
MITCHELL, JAMES L & CHERYL A	155	0.2244	155	147	139	131	124
MOORE, WAYNE G & JULIA H	103	0.1491	103	97	92	87	82
MORRIS, KARL	304	0.4400	304	288	273	258	243
MULLIGAN, ROBERT & INEZ	35	0.0507	35	33	31	29	28
NEWBERRY COMMUNITY SERVICE DIST	23	0.0333	23	21	20	19	18
NU VIEW DEVELOPMENT, INC	2,899	4.1962	2,899	2,754	2,609	2,464	2,319
O P D L INC	109	0.1578	109	103	98	92	87
O'KEEFE, SARAH-LEE & JOKE E	50	0.0724	50	47	45	42	40
P & H ENGINEERING & DEV CORP	667	0.9654	667	633	600	566	533
PARKER, GEORGE R	144	0.2084	144	136	129	122	115
PATHFINDER INVESTORS	472	0.6832	472	448	424	401	377
PAYAN, PAUL	32	0.0463	32	30	28	27	25
PERKO, BERT K	132	0.1911	132	125	118	112	105
PITTS, JOE	30	0.0434	30	28	27	25	24
POHL, ANDREAS & CATHLYN	17	0.0246	17	16	15	14	13
POLAND, JOHN R & SANDRA M	92	0.1332	92	87	82	78	73

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EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION  (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
PRICE, ALAN E	37	0.0536	37	35	33	31	29
PRICE, DONALD	42	0.0608	42	39	37	35	33
PUCKHABER, WILLIAM F TRUST	63	0.0912	63	59	56	53	50
PURCIO, THOMAS F & PATRICIA A	80	0.1158	80	76	72	68	64
RANDOLPH, JOAN E	24	0.0347	24	22	21	20	19
REEVES, RICHARD	230	0.3329	230	218	207	195	184
RICE, DANIEL & MARY	121	0.1751	121	114	108	102	96
RICE, HENRY C & DIANA	24	0.0347	24	22	21	20	19
RIBGER, WALTER M	62	0.0897	62	58	55	52	49
RIKUO CORPORATION	1,517	2.1958	1,517	1,441	1,365	1,289	1,213
ROSSI, JAMES L & NAOMI I	614	0.8887	614	583	552	521	491
ROTEX CONSTRUCTION COMPANY	2,529	3.6606	2,529	2,402	2,276	2,149	2,023
SAN BERNARDINO COUNTY BARSTOW - DAGGETT AIRPORT	168	0.2432	168	159	151	142	134
SANTUCCI, ANTONIO & WILSA	30	0.0434	30	28	27	25	24
SCOGGINS, JERRY	105	0.1520	105	99	94	89	84
SHEPPARD, THOMAS & GLORIA	217	0.3141	217	206	195	184	173
SHORT, CHARLES & MARGARET	54	0.0782	54	51	48	45	43
SHORT, JEFF	30	0.0434	30	28	27	25	24
SILVER VALLEY RANCH, INC	109	0.1578	109	103	98	92	87
SMITH, WILLIAM E	19	0.0275	19	18	17	16	15
SNYDER, KRYL K & ROUTH, RICHARD J	64	0.0926	64	60	57	54	51
SOUTHERN CALIFORNIA EDISON CO - AGRICULTURE	5,858	8.4792	5,858	5,565	5,272	4,979	4,686
SOUTHERN CALIFORNIA EDISON CO - INDUSTRIAL	4,565	6.6076	4,565	4,336	4,108	3,880	3,652
SOUTHERN CALIFORNIA GAS COMPANY	98	0.1419	98	93	88	83	78

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TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA  PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
	(ACRE-FEET)	(PERCENT)	FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
ST ANTONY COPTIC ORTHODOX MONASTERY	130	0.1882	130	123	117	110	104
STEWART, STANLEY & PATRICIA	27	0.0391	27	25	24	22	21
SUGA, TAKRAKI	154	0.2229	154	146	138	130	123
SUNDOWN LAKES, INC	168	0.2432	168	159	151	142	134
SWARTZ, ROBERT & IRENE	50	0.0724	50	47	45	42	40
TAPIE, RAYMOND & MURIEL	18	0.0261	18	17	16	15	14
TAYLOR, TOM	503	0.7281	503	477	452	427	402
THAYER, SHARON	58	0.0840	58	55	52	49	46
THE 160 NEWBERRY RANCH CALIFORNIA, LTD	1,033	1.4952	1,033	981	929	878	826
TRIPLE H PARTNERSHIP	993	1.4373	993	943	893	844	794
UNION PACIFIC RAILROAD COMPANY	249	0.3604	249	236	224	211	199
VAN BASTELAAR, ALPHONSE	78	0.1129	78	74	70	66	62
VAN DIEST, CORNELIUS	934	1.3519	934	887	840	793	747
VAN LEEUWEN, JOHN	1,084	1.5690	1,084	1,029	975	921	867
VANDER DUSSEN, AGNES	1,792	2.5938	1,792	1,702	1,612	1,523	1,433
VAUGHT, ROBERT E & KAREN M	43	0.0622	43	40	38	36	34
VERNOLA, PAT	1,310	1.8962	1,310	1,244	1,179	1,113	1,048
WARD, ERNEST & LAURA	38	0.0550	38	36	34	32	30
WARD, RONNY H	130	0.1882	130	123	117	110	104
WEBER, F R & JUNELL	96	0.1390	96	91	86	81	76
WEBSTER, THOMAS M & PATRICIA J	24	0.0347	24	22	21	20	19
WEIDKNECHT, ARTHUR J & PEGGY A	79	0.1143	79	75	71	67	63
WESTERN HORIZON ASSOCIATES INC	1,188	1.7196	1,188	1,128	1,069	1,009	950
WESTERN ROCK PRODUCTS	31	0.0449	31	29	27	26	24

~~12/10/02~~  
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09/25/95

EXHIBIT B  
TABLE B-1  
TABLE SHOWING BASE ANNUAL PRODUCTION AND  
BASE ANNUAL PRODUCTION RIGHT OF EACH PRODUCER WITHIN BAJA SUBAREA  
TOGETHER WITH FREE PRODUCTION ALLOWANCES  
FOR FIRST FIVE YEARS OF THE JUDGMENT

BAJA SUBAREA PRODUCER	BASE ANNUAL <sup>1</sup> PRODUCTION (ACRE-FEET)	BASE ANNUAL <sup>2</sup> PRODUCTION RIGHT (PERCENT)	FREE PRODUCTION ALLOWANCES (ACRE-FEET)				
			FIRST YEAR	SECOND <sup>3</sup> YEAR	THIRD <sup>3</sup> YEAR	FOURTH <sup>3</sup> YEAR	FIFTH <sup>3</sup> YEAR
WET SET, INC	129	0.1867	129	122	116	109	103
WITTE, E DANIEL	27	0.0391	27	25	24	22	21
WLSR INC	133	0.1925	133	126	119	113	106
WORSEY, REVAE	29	0.0420	29	27	26	24	23
YARD, BETTY	26	0.0376	26	24	23	22	20
YERMO WATER COMPANY	453	0.6557	453	430	407	385	362
YOUNG, KRITH O - (DESERT TURF)	312	0.4516	312	296	280	265	249
MINIMAL PRODUCER POOL	3,500	5.0661	3,500	3,325	3,150	2,975	2,800
UNIDENTIFIED/UNVERIFIED PRODUCER POOL	320	0.4632					
BAJA SUBAREA TOTALS =	69,087	100					

- 1 Base Annual Production is the reported maximum year production for each producer for the five year period 1986-1990. These values reflect the maximum production determined by one or more of the following: Southern California Edison records, site inspection, land use estimates from 1987 and 1989 aerial photography and responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.
- 2 Base Annual Production Right expressed as a percentage of the Total Base Annual Production.
- 3 Values based on production ramp down of five percent (5%) per year. Free Production Allowance for the fifth year is equal to eighty percent (80%) of the Base Annual Production.

EXHIBIT B  
TABLE B-2  
TABLE SHOWING TOTAL WATER PRODUCTION  
FOR AQUACULTURE AND RECREATIONAL LAKE PURPOSES  
ALTO SUBAREA

PRODUCER	TOTAL WATER <sup>1</sup> PRODUCTION	BASE ANNUAL <sup>2</sup> PRODUCTION	RECIRCULATED <sup>3</sup> WATER
(ACRE-FEET)			
CDFG - MOJAVE RIVER FISH HATCHERY	10,678	20	10,658
JESS RANCH WATER COMPANY	18,625	7,480	11,145
ALTO SUBAREA TOTALS =	29,303	7,500	21,803

Total Water Production is the reported maximum year production for each producer for the five year period 1986-1990.

These values reflect the maximum production determined by one or more of the following: Southern California Edison records; James C. Hanson site inspection; land use estimates from 1989 aerial photography; responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.

<sup>2</sup> Base Annual Production as shown on Table B-1.

<sup>3</sup> Amount shown is the difference between the Total Water Production and the Base Annual Production.

EXHIBIT B  
TABLE B-2  
TABLE SHOWING TOTAL WATER PRODUCTION  
FOR AQUACULTURE AND RECREATIONAL LAKE PURPOSES  
BAJA SUBAREA

PRODUCER	TOTAL WATER <sup>1</sup> PRODUCTION	BASE ANNUAL <sup>2</sup> PRODUCTION	RECIRCULATED <sup>3</sup> WATER
	(ACRE-FEET)		
BROWY, ORVILLE & LOUISE	210	33	177
CALICO LAKES HOMEOWNERS ASSOCIATION	2,513	1,031	1,482
CDFG - CAMP CADY	102	14	88
CHEYENNE LAKE, INC	638	122	516
CRYSTAL LAKES PROPERTY OWNERS ASSOCIATION	6,575	447	6,128
DESERT LAKES CORPORATION - (LAKE DOLORES)	928	483	445
FUNDAMENTAL CHRISTIAN ENDEAVOR	440	285	155
HORTON'S CHILDREN'S TRUST	1,291	106	1,185
HORTON, JOHN MD	672	183	489
KIEL, MARY	188	34	154
LAKE JODIE PROPERTY OWNERS ASSOCIATION	2,805	254	2,551
LAKE WAIKIKI	400	98	302
LAKE WAINANI OWNERS ASSOCIATION	1,420	202	1,218
LEE, MOON & OKBEA	171	49	122
O F D L INC	434	109	325
RICE, DANIEL & MARY	614	121	493
SCOGGINS, JERRY	922	105	817
SILVER VALLEY RANCH, INC	455	109	346
SMITH, WILLIAM E	153	19	134
SUNDOWN LAKES, INC	1,109	168	941
TAPIE, RAYMOND & MURIEL	108	18	90
THAYER, SHARON	159	58	101
WET SET, INC	441	129	312
WLSR INC	678	133	545

EXHIBIT B  
TABLE B-2  
TABLE SHOWING TOTAL WATER PRODUCTION  
FOR AQUACULTURE AND RECREATIONAL LAKE PURPOSES  
BAJA SUBAREA

PRODUCER	TOTAL WATER <sup>1</sup> PRODUCTION	BASE ANNUAL <sup>2</sup> PRODUCTION	RECIRCULATED <sup>3</sup> WATER
(ACRE-FEET)			
BAJA SUBAREA TOTALS =	23,426	4,310	19,116

- 1 Total Water Production is the reported maximum year production for each producer for the five year period 1986-1990. These values reflect the maximum production determined by one or more of the following: Southern California Edison records; James C. Hanson site inspection; land use estimates from 1989 aerial photography; responses to special interrogatories. All values are subject to change if additional information is made available, or if any value reported herein is found to be in error.
- 2 Base Annual Production as shown on Table B-1.
- 3 Amount shown is the difference between the Total Water Production and the Base Annual Production.

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EXHIBIT C

ENGINEERING APPENDIX

CONTENTS

- A. ADJUSTMENT OF FREE PRODUCTION ALLOWANCES
- B. DETERMINATION OF SURFACE FLOW COMPONENTS

TABLE C-1: MOJAVE BASIN AREA ADJUDICATION SUBAREA HYDROLOGICAL INVENTORY BASED ON LONG-TERM AVERAGE NATURAL WATER SUPPLY AND OUTFLOW AND CURRENT YEAR IMPORTS AND CONSUMPTIVE USE



1 total measured surface flow at Lower Narrows was Storm Flow and  
2 what portion was Base Flow.

3 The Parties in reaching the physical solution provided for in  
4 the Judgment, used certain procedures to separate the Storm Flow  
5 and Base Flow components of the total measured surface flow at  
6 Lower Narrows. Hydrographs of the mean daily discharge at Lower  
7 Narrows were plotted for the Year under consideration together with  
8 corresponding rainfall data obtained from the National Oceanic and  
9 Atmospheric Administration (NOAA) for Lake Arrowhead. Hydrographs  
10 were also plotted for the combined flow of West Fork Mojave River  
11 and Deep Creek which together with the Lake Arrowhead precipitation  
12 data served as a guide for interpreting those periods during which  
13 Storm Flow was likely to have occurred at Lower Narrows.

14 Other factors considered included:

15 \* Occurrences of Storm Flow at Barstow and Afton Canyon,  
16 \* Precipitation at Victorville and Barstow,  
17 \* Consideration of the time of Year and temperature, &  
18 \* Shape of hydrographs for Years having similar Base Flow  
19 characteristics.

20 Based on interpretation of all of the foregoing information,  
21 the flows occurring on those days during which Storm Flow most  
22 likely occurred were "scalped" by projecting an estimated Base Flow  
23 Curve through the Storm Flow Period. The Base Flow component of  
24 the total monthly flow was then determined as follows:

25 a. For those periods during which there was obviously no  
26 Storm Flow, the entire recorded mean daily flows were assumed to be  
27 Base Flow.

1           b. For the remaining Storm Flow periods, the Base Flow  
2 component was taken as the area under the Base Flow Curve, except  
3 that for those days within the Storm Flow period when the actual  
4 mean daily discharge is less than the amount indicated by the Base  
5 Flow Scalping Curves, then the actual recorded amount is used.

6           2. Determination of Surface Flow Components at Waterman  
7 Fault. The total amount of surface flow passing the Waterman Fault  
8 (under current riverbed conditions) is considered to be Storm Flow  
9 and can be estimated from the Storm Flow passing the USGS gauging  
10 station Mojave River at Barstow. The following table was developed  
11 to provide a method for estimating flow at Waterman Fault:

12	Storm Flow At Barstow Gage <sup>1</sup> 13 <u>(Acre-Feet)</u>	Estimated Surface Flow at Waterman Fault 14 <u>(Acre-Feet)</u>
14	2,000	0
15	10,000	6,200
16	20,000	14,300
17	30,000	22,600
18	40,000	31,400
19	50,000	40,500
20	60,000	49,200
21	70,000	58,400
22	80,000	67,800
23	90,000	76,800
24	100,000	85,400

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27 <sup>1</sup>From Recorded Flow at USGS Gaging Station Mojave River at  
28 Barstow. Relationship is based on single storm events. More than  
one storm event separated by more than five day of zero flow will  
be considered as separate storms.

1                   3.    Determination of Surface Flow Components at Afton.

2   Records available for the discharge of the Mojave River at Afton,  
3   California, provide data on the total amount of surface flow and  
4   since storm runoff occurs during and immediately following a major  
5   storm event in the watershed area tributary to the Baja Basin below  
6   Barstow or in the event of large Storm Flows at Barstow which reach  
7   Afton, it was necessary to determine what portion of the total  
8   measured surface flow at Afton is Storm Flow and what portion of  
9   Base Flow.

10           The Parties, in reaching the physical solution provided for in  
11   the Judgment, used certain procedures to separate the Storm Flow  
12   and Base Flow components of the total measured surface flow at  
13   Afton. Hydrographs of the mean daily discharge at Afton were  
14   plotted for the water Year under consideration. In the absence of  
15   Storm Flow, the Base Flow curve at Afton was generally a relatively  
16   constant amount. Storm Flows were evidenced by sharp spikes or  
17   abrupt departures from the antecedent Base Flow and a fairly rapid  
18   return to pre-storm Base Flow Condition. The hydrograph of flows  
19   at Barstow served as a guide for identifying those periods during  
20   which Storm Flow was likely to have occurred at Afton.

21           Based on interpretation of all of the foregoing information,  
22   the flows occurring on those days during which Storm Flow most  
23   likely occurred were "scalped" by projecting an estimated Base Flow  
24   Curve through the Storm Flow Period. The Base Flow component of  
25   the total monthly flow was then determined as follows:

26           a. For those periods during which there is obviously no  
27   Storm Flow, the entire recorded mean daily flows were assumed to be  
28   Base Flow.

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b. For the remaining Storm Flow periods, the Base Flow component was taken as the area under the Base Flow Curve except that for those days within the Storm Flow period when the actual mean daily discharge was less than the amount indicated by the Base Flow Scalping Curves, then the actual recorded amount was used.

4. Engineers' Work Papers. These procedures are reflected in the Work Papers of the Engineers, copies of which are filed with the Watermaster.

**TABLE C-1**  
**Mojave Basin Area Adjudication**  
**Subarea Hydrological Inventory Based On**  
**Long-Term Average Natural Water Supply and Outflow**  
**and Current Year Imports and Consumptive Use**  
**(All Amounts in Acre-Feet)**

<b>WATER SUPPLY</b>	<b>Este</b>	<b>Oeste</b>	<b>Alto</b>	<b>Centro</b>	<b>Baja</b>	<b>Basin Totals</b>
Surface Water Inflow						
Gaged	0	0	65,000	0	0	65,000 <sup>1</sup>
Ungaged	1,700	1,500	3,000	37,300 <sup>1</sup>	14,300 <sup>2</sup>	6,500 <sup>3</sup>
Subsurface Inflow	0	0	1,000	2,000	1,200	0 <sup>4</sup>
Deep Percolation of Precipitation	0	0	3,500	0	100	3,600
Imports						
Lake Arrowhead CSD	0	0	1,500	0	0	1,500
Big Bear ARWWA	2,000	0	0	0	0	2,000
<b>TOTAL</b>	<b>3,700</b>	<b>1,500</b>	<b>74,000</b>	<b>39,300</b>	<b>15,600</b>	<b>78,600</b>
<b>CONSUMPTIVE USE AND OUTFLOW</b>						
Surface Water Outflow						
Gaged	0	0	0	0	8,200	8,200
Ungaged	0	0	37,300 <sup>1</sup>	14,000 <sup>5</sup>	0	0
Subsurface Outflow	200	800	2,000	1,200	0	0
Consumptive Use						
Agriculture	6,800	2,900	16,300	20,300	30,200	76,500
Urban	1,900	1,200	36,300	9,500	9,700	58,600 <sup>6</sup>
Phreatophytes	0	0	5,100	900	1,500	7,500
Exports	0	0	0	0	0	0
<b>TOTAL</b>	<b>8,900</b>	<b>4,900</b>	<b>97,000</b>	<b>45,900</b>	<b>49,600</b>	<b>150,800</b>
Surplus / (Deficit)	(5,200)	(3,400)	(23,000)	(6,600)	(34,000)	(72,200)
Total Estimated Production (Current Year) <sup>7</sup>	15,700	7,600	98,900	46,500	54,300	223,000
<b>PRODUCTION SAFE YIELD (Current Year)<sup>7</sup></b>	<b>10,500</b>	<b>4,200</b>	<b>75,900</b>	<b>39,900</b>	<b>20,300</b>	<b>150,800</b>

<sup>1</sup> Estimated from reported flows at USGS gaging station, Mojave River at Victorville Narrows.

<sup>2</sup> Includes 14,000 acre-feet of Mojave River surface flow across the Waterman Fault estimated from reported flows at USGS gaging station, Mojave River at Barstow, and 300 acre-feet of local surface inflow from Kane Wash.

<sup>3</sup> Represents the sum of Este (1,700 af), Oeste (1,500 af), Alto (3,000 af) and Baja (300 af from Kane Wash).

<sup>4</sup> Inter subarea subsurface flows do not accrue to the total basin water supply.

<sup>5</sup> Estimated from reported flows at USGS gaging station, Mojave River at Barstow.

<sup>6</sup> Estimated by Bookman-Edmonston.

<sup>7</sup> For purposes of this Table, the current year is 1990.

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EXHIBIT D  
  
TIME SCHEDULES



1 Production Allowance, Watermaster shall notify all Parties as to  
2 its recommendation not later than February 1, shall hold a public  
3 hearing thereon not later than March 1, and shall submit any such  
4 recommendation, which may be revised pursuant to the public  
5 hearing, to the Court not later than April 1.

6 5. Payment of Administrative Assessments and Biological  
7 Resource Assessments. Each Producer shall submit quarterly along  
8 with the Production report required by Paragraph 24 (p) an  
9 Administrative Assessment payment in an amount equal to the current  
10 Year Administrative Assessment Rate multiplied times the acre-feet  
11 of water Produced during the quarter and a Biological Resource  
12 Assessment payment in an amount equal to the current Year  
13 Biological Resource Assessment Rate multiplied times the acre-feet  
14 of water Produced during the quarter.

15 6. Payment of Replacement Water Assessments and Makeup Water  
16 Assessments. Replacement Water Assessments and Makeup Water  
17 Assessments for the prior Year shall be due and payable on July 1.

18 7. Delinquency of Assessments. Any assessment payable  
19 pursuant to this Judgment shall be deemed delinquent: i) if paid in  
20 Person, if not paid within five (5) days of the date due; ii) if  
21 paid by electronic funds transfer, if not paid within three (3)  
22 banking days of the date due; or iii) if paid by any other means,  
23 if not paid within ten (10) days of the date due. "Payment" shall  
24 occur when good and sufficient funds have been received by the  
25 Watermaster. Any assessment shall also be deemed delinquent in the  
26 event that any attempted payment is by funds that are not good and  
27 sufficient.

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EXHIBIT E

LIST OF PRODUCERS AND THEIR DESIGNEES

EXHIBIT E

PRODUCER

DESIGNEE

ABBOND, EDWARD & GRACE	Same
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ABSHIRE, DAVID V	Same
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ADELANTO, CITY OF/GEORGE AFB	
AEROCHEM, INC	James Heiser, Esq.
AGCON, INC	Robert E. Hove
AGCON, INC.	Robert E. Hove
AGUAYO, JEANETTE L.	Same
AKE, CHARLES J & MARJORIE M	Same
ANDERSON, ROSS C & BETTY J	Same
ANGERER, ROBERT J & PEGGY	Same
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APPLE VALLEY COUNTRY CLUB	Terry Caldwell, Esq.
APPLE VALLEY DEVELOPMENT	Same
APPLE VALLEY FOOTHILL CO WATER	Doreen Ryssel
APPLE VALLEY HEIGHTS CO. WATER	Elizabeth Hanna, Esq.
APPLE VALLEY RANCHOS WATER	Fredric Fudacz, Esq.
APPLE VALLEY REC. & PARKS	Elizabeth Hanna, Esq.
APPLE VALLEY VIEW MUTUAL WATER CO.	Joseph Saltmeris, Esq.
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BAGLEY, ROY	Same
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PRODUCER

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CDFG - CAMP CADY

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CDFG - MOJAVE RIVER FISH  
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CHAMISAL MUTUAL  
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CHASTAIN, W C  
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CHIAO MEI DEVELOPMENT  
CHO BROTHERS RANCH  
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CHRISTISON, JOEL  
CHUANG, MARSHAL  
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CLUB VIEW PARTNERS  
CONNER, WILLIAM H  
COOK, KWON W  
COOL WATER RANCH  
COPELAND, ETAL  
CRAMER, MARGARET MUIR  
CROSS, LAWRENCE E & SHARON I  
CRYSTAL HILLS WATER COMPANY  
CRYSTAL LAKES PROPERTY OWNERS  
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FISHER, DR DOLORES  
FISHER, JEROME  
FITZWATER, R E  
FRIEND, JOSEPH & DEBORAH  
FUNDAMENTAL CHRISTIAN ENDEAVOR  
GAETA, TRINIDAD C/O BLUE BEAD FARMS  
GAINES, JACK & MARY  
GARCIA, DANIEL  
GARCIA, SONIA L  
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EXHIBIT F  
TRANSFERS OF BASE ANNUAL PRODUCTION RIGHTS.

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EXHIBIT F  
TRANSFERS OF  
BASE ANNUAL PRODUCTION RIGHTS

1. Transferability. Any Base Annual Production Right, including any Carryover Right (Right) or any portion thereof may be sold, assigned, transferred, licensed or leased subject to the rules set forth in this Exhibit "F".

2. Consumptive Use Adjustments. A transferred Right shall be adjusted so as not to cause an increased Consumptive Use of water. For either inter Subarea or intra Subarea transfers, if the transferee's Consumptive Use of water Produced under the transferred Right would be at a higher rate than that of transferor, the transferred Right shall be reduced by Watermaster to a level that equalizes the Consumptive Use to that of transferor. Any such adjustments by Watermaster shall be made using the following Consumptive Use rates. If a transfer would cause the same or a decreased Consumptive Use, no adjustment shall be made.

Type of Water Use	Consumptive Use Rate
Municipal	50%
Irrigation	50%
Industrial	case by case
Lakes or Aquaculture	surface acres x 7 ft.

For mixed or sequential uses of water excluding direct reuse of municipal wastewater, the total acre-feet of Consumptive Use shall be the sum of Consumptive Uses for each use.

1           3.   Notice to Watermaster. No transfer shall become operable  
2 until the Parties to the transfer have jointly notified Watermaster  
3 of the terms and conditions of the transfer, the price to be paid  
4 by the transferee, the name of the Responsible Party and the name  
5 of the Person who will pay any applicable Assessments. Intra-  
6 Subarea transfers shall not require Watermaster authorization after  
7 giving notice. No inter-Subarea transfer shall become operable  
8 until authorized by Watermaster after giving notice. Watermaster  
9 shall authorize such transfers in the order of the date of notice,  
10 provided that funds are available as set forth in Paragraph 4 of  
11 this Exhibit "F".

12           4.   Inter Subarea Transfers of Rights. A Party's Right in a  
13 (Source) Subarea may be transferred (by lease only) to a Party in  
14 another (Use) Subarea provided that in any Year the resulting  
15 unconsumed water in the Source Subarea due to all such transfers  
16 shall not be greater than the Replacement Water requirement of the  
17 Source Subarea in the preceding Year. Watermaster shall replace  
18 the resulting Consumptive Use in the Use Subarea that is  
19 attributable to the transfer, utilizing Replacement Water  
20 Assessments from the Source Subarea.

21           5.   Transfers to Meet Replacement Water or Makeup Water  
22 Obligations. Watermaster may use Assessment proceeds to purchase  
23 or lease Rights in a Subarea in order to obtain water to meet an  
24 Obligation. The water so obtained shall be equal to the  
25 Consumptive Use portion of the transferred and unproduced Rights.  
26 No such purchases of leases of Rights in the Harper Lake Basin may  
27 be used to satisfy Obligations in other parts of the Centro  
28 Subarea.

1           6.    Inter Subarea Transfers of Water.  Water Produced in one  
2 (source) Subarea and exported to another Subarea for use or  
3 disposal shall bear a Replacement Water Obligation equal to the sum  
4 of the Production in excess of the Producer's share of the Free  
5 Production Allowance in the source Subarea plus the amount of water  
6 exported that would normally have been returned to the source  
7 Subarea.  Such exported water shall be credited to the appropriate  
8 Subarea Obligation unless it has been purchased or leased as  
9 Replacement Water pursuant to a transfer agreement.

10           7.    Verde Ranch Producers.  Together the Spring Valley Lake  
11 Country Club ("the Country Club"), the Spring Valley Lake  
12 Association ("the Association"), the California Department of Fish  
13 and Game (DFG) Mojave Narrows Regional Park ("the Park") the Kemper  
14 Campbell Ranch ("the Ranch") comprise a group herein called the  
15 Verde Ranch Producers.  Each Verde Ranch Producer has the ability  
16 physically both to Produce Groundwater and to Produce water that  
17 originated as tailwater flowing from the DFG Mojave River Fish  
18 Hatchery.  DFG Producer Groundwater to supply the Hatchery, and  
19 Hatchery tailwater can be discharged in part or entirely to the  
20 Mojave River or in part or entirely to a lined channel that conveys  
21 tailwater to points where the Verde Ranch Producers can Produce it.  
22 The present flow regimen is as follows:  Hatchery Production flows  
23 through the Hatchery and is then discharged to the River and/or the  
24 lined channel.  Water discharged to the lined channel flows to a  
25 Country Club lake.  The Country Club Produces Groundwater that is  
26 discharged to the Country Club lake.  The Country Club property is  
27 irrigated by pumping from the Country Club lake.  Water overflowing  
28 from the Country Club lake flows through a lined channel and

1 through other Country Club lakes, and finally is discharged to  
2 Spring Valley Lake. The Association Produces Groundwater that is  
3 discharged to Spring Valley Lake. Water overflowing from Spring  
4 Valley Lake flows to lakes in the Park. The Park Produces  
5 Groundwater that is discharged to the lakes in the Park. The Park  
6 also Produces Groundwater that is used directly for irrigation of  
7 the Park. The Park is also irrigated by pumping from the lakes in  
8 the Park. Water overflowing from the lakes in the Park is  
9 discharged to the Mojave River. Some water from the lakes in the  
10 Park also flows to a lake on the Ranch. The Ranch also Produces  
11 Groundwater. The Ranch is irrigated from the lake on the Ranch.  
12 No water flows on the surface from the Ranch property to the Mojave  
13 River.

14 In order to continue the present arrangements among the  
15 Hatchery and the Verde Ranch Producers while assuring that they  
16 participate fairly in the Physical Solution the following rules  
17 shall apply:

18 a. Total Production by the Country Club will be  
19 calculated as the sum of Country Club Groundwater Production plus  
20 inflow of Hatchery tailwater minus outflow to Spring Valley Lake.  
21 The Country Club shall monitor and report to Watermaster the  
22 amounts of such Groundwater Production, inflow and outflow.

23 b. Total Production by the Association will be  
24 calculated as the sum of Association Groundwater Production plus  
25 inflow from the Country Club minus outflow to the Park. The  
26 Association shall monitor and report to Watermaster the amounts of  
27 such Groundwater Production, inflow and outflow.

28

1           c.    Total Production by the Park will be calculated as  
2 the sum of Park Groundwater Production plus inflow from the  
3 Association minus outflow to the Ranch minus outflow to the Mojave  
4 River. The Park shall monitor and report to Watermaster as to such  
5 Groundwater Production, inflow and outflows.

6           d.    Total Production by the Ranch will be calculated as  
7 the sum of Ranch Groundwater Production plus inflow from the Park.  
8 The Ranch shall monitor and report to Watermaster the amounts of  
9 such Groundwater Production and inflow.

10          e.    Hatchery Production up to 10,678 acre-feet per Year  
11 will be permitted free of any Assessments against the Hatchery.  
12 The Hatchery shall monitor and report to Watermaster its  
13 Groundwater Production and the amounts of tailwater discharged to  
14 the River and to the artificial channel. In any Year the Hatchery  
15 may Produce more than 10,678 acre-feet free of any Assessments  
16 against the Hatchery, provided such Production in excess of 10,678  
17 acre-feet is reported as Groundwater Production by one or more of  
18 the Verde Ranch Producers in the same Year pursuant to operating  
19 agreements by and between the Hatchery and such Producer(s) filed  
20 with the Watermaster. The operating agreement shall specify the  
21 responsibility for payment of assessments. In the operating  
22 agreement, the Verde Ranch Producers may elect to have assessments  
23 be based on the aggregate Production of the Verde Ranch Producers,  
24 and may freely transfer Base Annual Production Rights internally,  
25 provided that the aggregate consumptive use of the Verde Ranch  
26 Producers shall not be increased. In the absence of such operating  
27 agreements, or if the operating agreements do not otherwise  
28 allocate responsibility for payment of Assessments, the Hatchery

1 shall be liable for Administrative, Replacement Water and  
2 Biological Resource Assessments on the amount of water Produced by  
3 the Hatchery in excess of 10,678 acre-feet in any Year. In the  
4 event that Verde Ranch Producer who is allocated responsibility for  
5 payment of Assessments pursuant to an operating agreement is  
6 delinquent in making any such payment, the Hatchery shall not be  
7 liable therefor.

8 f. In any Year, if the total discharge to the River  
9 from the Hatchery and the Verde Ranch Producers exceeds the  
10 Groundwater Production by the Hatchery, such excess discharge shall  
11 be subject to Administrative, Replacement Water and, except for the  
12 Park, Biological Resource Assessments. Such Assessments shall be  
13 levied against individual Verde Ranch Producers in proportion to  
14 the extent that outflow from each Producer exceeds inflow to that  
15 Producer.

16 g. The Hatchery and the Verde Ranch Producers shall  
17 install all stage recorders, meters or other measuring devices  
18 necessary to determine inflows, outflows and Production that they  
19 are responsible for monitoring and reporting to Watermaster. Such  
20 stage recorders, meters or other measuring devices shall be  
21 installed, calibrated and operated in manner satisfactory to  
22 Watermaster.

23 h. Any change in the flow regimen described above will  
24 be subject to the same general rules set forth in this Paragraph 7.  
25 Any such change shall be reported to Watermaster in advance.

26 8. Harper Lake Basin. No Producer in the Harper Lake Basin  
27 may transfer any Base Annual Production Right or any portion  
28 thereof to Producers outside of Harper Lake Basin except by

1 physically conveying the water in compliance with the rules set  
2 forth in this Exhibit "F".

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EXHIBIT G

SUBAREA OBLIGATIONS



1 e. Alto Subarea Producers--an average Annual combined  
2 Subsurface Flow and Base Flow of 23,000 acre-feet per Year to the  
3 Transition Zone. For the purposes of Paragraph 6 of this Exhibit  
4 G, the Subsurface Flow component shall be deemed to be 2,000 acre-  
5 feet per Year. In any Year Alto Subarea Producers shall have an  
6 obligation to provide to the Transition Zone a minimum combined  
7 Subsurface Flow and Base Flow as follows:

8 i. If the accounting pursuant to Paragraph 5, below,  
9 reflects a net cumulative credit at the beginning of the Year,  
10 the combined minimum flow obligation shall be 18,400 acre-feet  
11 minus any net cumulative credit, but shall be not less than  
12 15,000 acre-feet.

13 ii. If the accounting pursuant to Paragraph 5, below,  
14 does not reflect a net cumulative credit at the beginning of  
15 the Year, the combined minimum flow obligation shall be 18,400  
16 acre-feet plus one-third of any net cumulative debit plus any  
17 additional amount of water required to reduce the net  
18 cumulative debit to 23,000 acre-feet.

19 2. Obligation for Transition Zone Replacement Water.

20 a. Until the Court approves Groundwater levels to be  
21 established and maintained pursuant to Subparagraph 2b of this  
22 Exhibit, Watermaster shall provide Replacement Water in the  
23 Transition Zone equal to Production in the Transition Zone that is  
24 in excess of the Transition Zone Producers' share of the Alto  
25 Subarea Free Production Allowance for that Year. All such  
26 Replacement Water shall be provided as soon as practicable during  
27 the next ensuing Year.  
28

1           b. As soon as is practicable, the MWA shall establish  
2 key wells to be used to monitor Groundwater levels in the  
3 Transition Zone and, subject to approval by the Court, Watermaster  
4 shall establish minimum water levels to be maintained in the key  
5 wells.

6           c. After water level elevations have been established  
7 pursuant to Subparagraph 2b of this Exhibit, Watermaster shall  
8 provide Replacement Water in the Transition Zone as necessary to  
9 maintain the minimum water levels. Water purchased with  
10 Replacement Water Assessments paid by Producers in the Transition  
11 Zone in excess of the quantity of water needed to maintain said  
12 water levels shall be provided elsewhere in the Alto Subarea.

13           3. Other Water. "Other Water" that may be credited to a  
14 Subarea Obligation may include water conveyed and discharged across  
15 a boundary or Free Production Allowance water that is not Produced.  
16 Water other than Base Flow, Subsurface Flow or Storm Flow that is  
17 conveyed and discharged across a boundary between Subareas other  
18 than pursuant to a transfer agreement, shall be credited or  
19 debited, as appropriate, to the pertinent Subarea Obligation during  
20 the Year in which it is so conveyed and discharged. Any portion of  
21 the Subarea's Free Production Allowance that is allowed to remain  
22 unproduced in a Subarea pursuant to transfer agreements in order to  
23 satisfy a Subarea Obligation shall be credited to the pertinent  
24 Subarea Obligation in accordance with the terms of the transfer  
25 agreements.

26           4. Makeup Water. Assessments for Makeup Water shall be paid  
27 in accordance with the time schedule set forth in Exhibit D.  
28

1 Makeup Water shall be credited to the Subarea Obligation at the end  
2 of the Year in which the Makeup Water Assessment is paid.

3 5. Accounting. Watermaster shall Annually not later than  
4 February 1 cause to be prepared a report of the status of each  
5 Subarea Obligation as of the end of the prior Year. The report  
6 shall set forth at least the following information for each Subarea  
7 Obligation:

8 a. The cumulative total of the average Annual Subarea  
9 Obligations since the Judgment was entered as of the beginning of  
10 the prior Year;

11 b. The cumulative total of all water credited to the  
12 Subarea Obligation since the Judgment was entered as of the  
13 beginning of the prior Year;

14 c. The net cumulative credit or debit [the difference  
15 between (a) and (b)] as of the beginning of the prior Year;

16 d. The amounts of water credited to the Subarea  
17 Obligation during the prior Year including, as appropriate, Base  
18 Flow, Subsurface Flow, Other Water and Makeup Water;

19 e. The cumulative total of the average Annual Subarea  
20 Obligations as of the end of the prior Year;

21 f. The cumulative total of all water credited to the  
22 Subarea Obligation as of the end of the prior Year;

23 g. The net cumulative credit or debit as of the end of  
24 the prior Year;

25 h. Any Makeup Water Obligation;

26 i. The Minimum Subarea Obligation for the current Year.

27 6. Subsurface Flow Assumptions. Some Subarea Obligations  
28 are expressed as average Annual or minimum Annual Subsurface Flow.

1 In all cases the Subsurface Flow obligations have been established  
2 initially at amounts equal to the estimated historical average  
3 Subsurface Flow across Subarea boundaries. Not later than two  
4 Years following entry of this Judgment MWA shall begin to install  
5 monitoring wells to be used to obtain data to enable improved  
6 estimates of Subsurface Flow at each Subarea boundary where there  
7 is a Subsurface Flow obligation and to develop methodology for  
8 future determinations of actual Subsurface Flow. Not later than  
9 ten years following entry of this Judgment Watermaster shall  
10 prepare a report setting forth the results of the monitoring  
11 program and the future methodology. Following opportunity for  
12 review of Watermaster's report by all Parties, Watermaster shall  
13 prepare a recommendation to the Court as to the likely accuracy of  
14 the estimated historical Subsurface Flows and any revision of  
15 Subarea Obligations that may be indicated. Pending Watermaster's  
16 report to the Court, Subsurface Flows shall be assumed to be equal  
17 to the Subsurface Flow obligations for purposed of accounting for  
18 compliance therewith.

19 7. Example Calculation. Table G-1 sets forth an example of  
20 Subarea Obligation accounting procedures using hypothetical flows.  
21  
22  
23  
24  
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27  
28

TABLE G-1  
 HYPOTHETICAL EXAMPLE  
 ACCOUNTING FOR COMPLIANCE WITH SUBAREA OBLIGATIONS

OBLIGATION OF SUBAREA A TO SUBAREA B

AVERAGE ANNUAL: 23,000 AFA (21,000 AFA BASEFLOW + 2,000 AFA SUBSURFACE FLOW)

MINIMUM ANNUAL: 18,400 AFA + 1/3 OF ANY NET CUMULATIVE DEBIT; OR 18,400 AFA - ANY NET CUMULATIVE CREDIT, BUT NOT LESS THAN 15,000 AFA

	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
	AF	AF	AF	AF	AF	AF	AF	AF	AF	AF
<b>STATUS AT BEGINNING OF YEAR</b>										
CUMULATIVE OBLIGATION	0	23,000	46,000	69,000	92,000	115,000	138,000	161,000	184,000	207,000
CUMULATIVE FLOW	0	17,000	32,600	50,000	69,067	87,067	107,111	139,978	168,378	198,978
<b>NET CUMULATIVE CREDIT (DEBIT)</b>										
	0	(6,000)	(13,400)	(18,200)	(22,933)	(27,933)	(30,889)	(21,022)	(15,622)	(8,022)
<b>FLOW DURING THE YEAR (HYPOTHETICAL)</b>										
BASE FLOW	8,000	5,000	4,000	4,000	2,000	2,000	15,000	18,000	20,000	23,000
SUBSURFACE FLOW	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
OTHER WATER	7,000	7,200	7,400	7,600	7800	8,000	8,200	8,400	8,600	8800
MAKEUP WATER PURCHASED	0	1,400	4,800	4,667	6,200	8,044	7,667	0	0	0
<b>TOTAL FLOW</b>										
	17,000	15,600	18,200	18,267	18,000	20,044	32,867	28,400	30,600	33,800
<b>MINIMUM OBLIGATION DURING THE YEAR</b>										
	18,400	20,400	22,867	24,467	26,044	27,711	28,696	25,407	23,607	21,074
<b>MAKEUP OBLIGATION INCURRED</b>										
	1,400	4,800	4,667	6,200	8,044	7,667	0	0	0	0
<b>STATUS AT END OF YEAR</b>										
CUMULATIVE OBLIGATION	23,000	46,000	69,000	92,000	115,000	138,000	161,000	184,000	207,000	230,000
CUMULATIVE FLOW	17,000	32,600	50,000	69,067	87,067	107,111	139,978	168,378	198,978	232,778
<b>NET CUMULATIVE CREDIT (DEBIT)</b>										
	(6,000)	(13,400)	(18,200)	(22,933)	(27,933)	(30,889)	(21,022)	(15,622)	(8,022)	2,778
<b>FOLLOWING YEAR MINIMUM OBLIGATION</b>										
18,400 + 1/3 OF NET CUM. DEBIT	20,400	22,867	24,467	26,044	27,711	28,696	25,407	23,607	21,074	0
ADDITIONAL TO REDUCE DEBIT TO 23,000	0	0	0	0	0	0	0	0	0	0
18,400 - CUM. CREDIT, BUT NOT 15,000	0	0	0	0	0	0	0	0	0	15,622
<b>MINIMUM OBLIGATION</b>										
	20,400	22,867	24,467	26,044	27,711	28,696	25,407	23,607	21,074	15,622

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**EXHIBIT H**

**BIOLOGICAL RESOURCE MITIGATION**



1 Allowance, shall compare the Free Production Allowance with the  
2 estimated Production Safe Yield. In the event the Free Production  
3 Allowance exceeds the estimated Production Safe Yield by five  
4 percent or more, Watermaster shall recommend a reduction of the  
5 Free Production Allowance equal to a full five percent of the  
6 aggregate Subarea Base Annual Production. In considering whether  
7 to increase or decrease the Free Production Allowance in a Subarea,  
8 Watermaster shall, among other factors, take into consideration for  
9 the areas shown on Figure H-1 the Consumptive Use of water by  
10 riparian habitat, the protection of public trust resources,  
11 including the species listed in Table H-1 and the riparian habitat  
12 areas shown on Figure H-1, and whether an increase would be  
13 detrimental to the protection of public trust resources.

14 b. If, pursuant to Paragraph 27, Watermaster buys or  
15 leases Free Production Allowance in the Baja Subarea below the  
16 Calico-Newberry Fault to satisfy the need for Replacement Water,  
17 priority shall be given to purchases or leases that will result in  
18 reducing Production in or near the area described in Subparagraph  
19 1(c) of this Exhibit.

20 c. Pursuant to Paragraph 2 of Exhibit "G", Watermaster  
21 shall purchase Replacement Water to maintain Groundwater levels in  
22 the Transition Zone.

23 3. Additional Protection Pursuant to Trust Fund Established  
24 by Watermaster Using the Proceeds of Biological Resource  
25 Assessments.

26 a. Watermaster shall establish a Biological Resources  
27 Trust Fund account for the benefit of the riparian habitat areas  
28 shown on Figure H-1 and the species listed on Table H-1. To

1 establish and maintain the Trust Fund Watermaster shall levy  
2 against each acre-foot of Production within the Basin Area, other  
3 than Production by the California Department of Fish and Game  
4 (DFG), a Biological Resource Assessment of fifty cents (\$0.50)  
5 (1993 dollars) to be collected at the same time and in the same  
6 manner as the Administrative Assessment, except that no Biological  
7 Resources Assessment shall be levied whenever the Trust Fund  
8 account balance exceeds \$1,000,000 (1993 dollars).

9           b. Watermaster shall make funds held in the Biological  
10 Resources Trust Fund available to DFG only in the event that  
11 Groundwater levels are not maintained as set forth in Table H-2.  
12 Watermaster shall take action to acknowledge any proposed  
13 expenditure from the Biological Resources Trust Fund by DFG. Such  
14 Watermaster action shall be subject to the review procedures set  
15 forth in Paragraph 36 of the Judgment, provided that any motion  
16 made pursuant thereto and any Court disapproval of such Watermaster  
17 action and proposed DFG expenditure may be based only: 1) on the  
18 ground that the Groundwater levels set forth in Table H-2 are being  
19 maintained; and/or 2) the ground that the proposed expenditure is  
20 not for any of the purposes set forth in Subparagraphs 3.b.(i),  
21 (ii), or (iii) below in this Exhibit. The Biological Resources  
22 Trust Fund may be used only for the following purposes and only in  
23 the three areas identified on Figure H-1:

24           i. not to exceed \$100,000 for the preparation by DFG of  
25 a DFG habitat water supply management plan, which plan shall  
26 include the water needs of the species listed in Table H-1 and  
27 the riparian habitat areas shown on Figure H-1.  
28

1           ii. the purchase or lease by DFG of Supplemental Water  
2 or the lease or purchase of DFG of Base Annual Production  
3 Rights to be used to meet riparian habitat water needs of the  
4 species listed in Table H-1 and the riparian habitat areas  
5 shown on Figure H-1.

6           iii. the construction, repair and replacement of wells or  
7 other facilities identified in the plan prepared pursuant to  
8 Subparagraph (i), above, and/or any other measures necessary  
9 to implement the plan.

10 DFG shall not prepare or make any expenditure from the trust fund  
11 for the payment of administrative overhead or staff of DFG.

12           4. DFG agrees that absent substantial changed circumstances,  
13 DFG shall not seek to modify the provisions of this Judgment in any  
14 way to add to or change the above-stated measures to protect the  
15 referenced species or habitat. Nothing stated in this Judgment or  
16 in this Exhibit "H" is intended nor shall be deemed to relieve any  
17 Party hereto from any obligation or obligations not specifically  
18 referenced in this Exhibit H. Nothing in this Judgment or in this  
19 Exhibit H is intended or shall be construed to be a waiver by the  
20 State or any of its departments or agencies, including DFG, of its  
21 rights and obligations under the common law, the public trust  
22 doctrine, the constitution, statutes and regulations to preserve,  
23 protect or enhance the natural resources of the State including  
24 rare, threatened or endangered species or species of concern.



TABLE H-1

LIST OF SPECIES  
(CONT'D)

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Yellow Warbler	9							
Yellow-breasted Chat	8	8			8	8		
Summer Tanager	8	8						8
Pale Big Eared Bat	8							
Mohave Ground Squirrel	4, 6		4, 6	4, 6				
Mohave Vole			6	6				
Nelson's Bighorn Sheep					10	10		10
TOTAL NUMBER OF SPECIES = 30								
TOTAL NUMBER OF SPECIES IN EACH AREA:	25	11	7	8	7	8	3	5

- 1 = Federally Endangered
- 2 = Federally Threatened
- 3 = State Endangered
- 4 = State Threatened
- 5 = Federal Category: 1
- 6 = Federal Category: 2
- 7 = Federal Category: 3b
- 8 = State: Special Concern
- 9 = State: Sensitive
- 10 = State: Fully Protected

**TABLE H-2**

**RIPARIAN HABITAT MONITORING WELL  
WATER LEVEL CRITERIA**

<b>ZONE</b>	<b>WELL NUMBER</b>	<b>MAXIMUM DEPTH BELOW GROUND</b>
Victorville/Alto	H1-1	Seven (7) Feet
Victorville/Alto	H1-2	Seven (7) Feet
Lower Narrows/Transition	H2-1	Ten (10) Feet
Harvard/Eastern Baja Riparian Forest Habitat	H3-1	Seven (7) Feet
Harvard/Eastern Baja Surface Water Habitat	H3-2	Plus One (1) Foot (1705 Ft msl)*

- \* Surface Water Habitat water surface elevation of 1705 ft. msl is approximate pending ground elevation survey.

# FIGURE H-1 VICTORVILLE - ALTO RIPARIAN ZONE

## LEGEND



Water Table Monitoring well

H-2



Riparian Forest Habitat Area

## SCALE



# FIGURE H-1: LOWER NARROWS TRANSITION RIPARIAN ZONE

## LEGEND



Water Table Monitoring well

H1-1



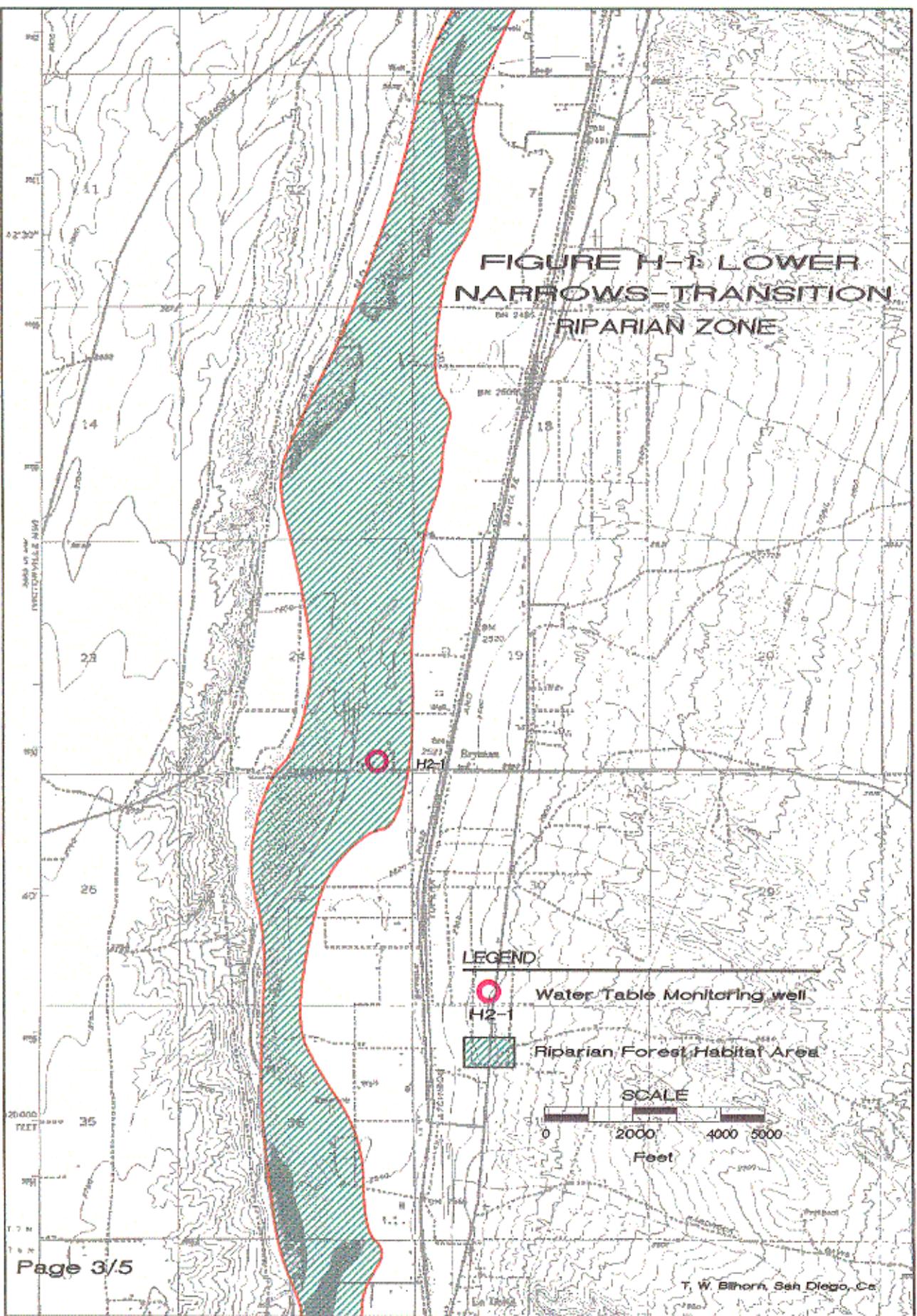
Riparian Forest Habitat Area

## SCALE



Feet

**FIGURE H-1: LOWER  
NARROWS-TRANSITION  
RIPARIAN ZONE**



**LEGEND**

-  Water Table Monitoring well  
H2-1
-  Riparian Forest Habitat Area

**SCALE**



# FIGURE HI TRANSITION RIPARIAN ZONE

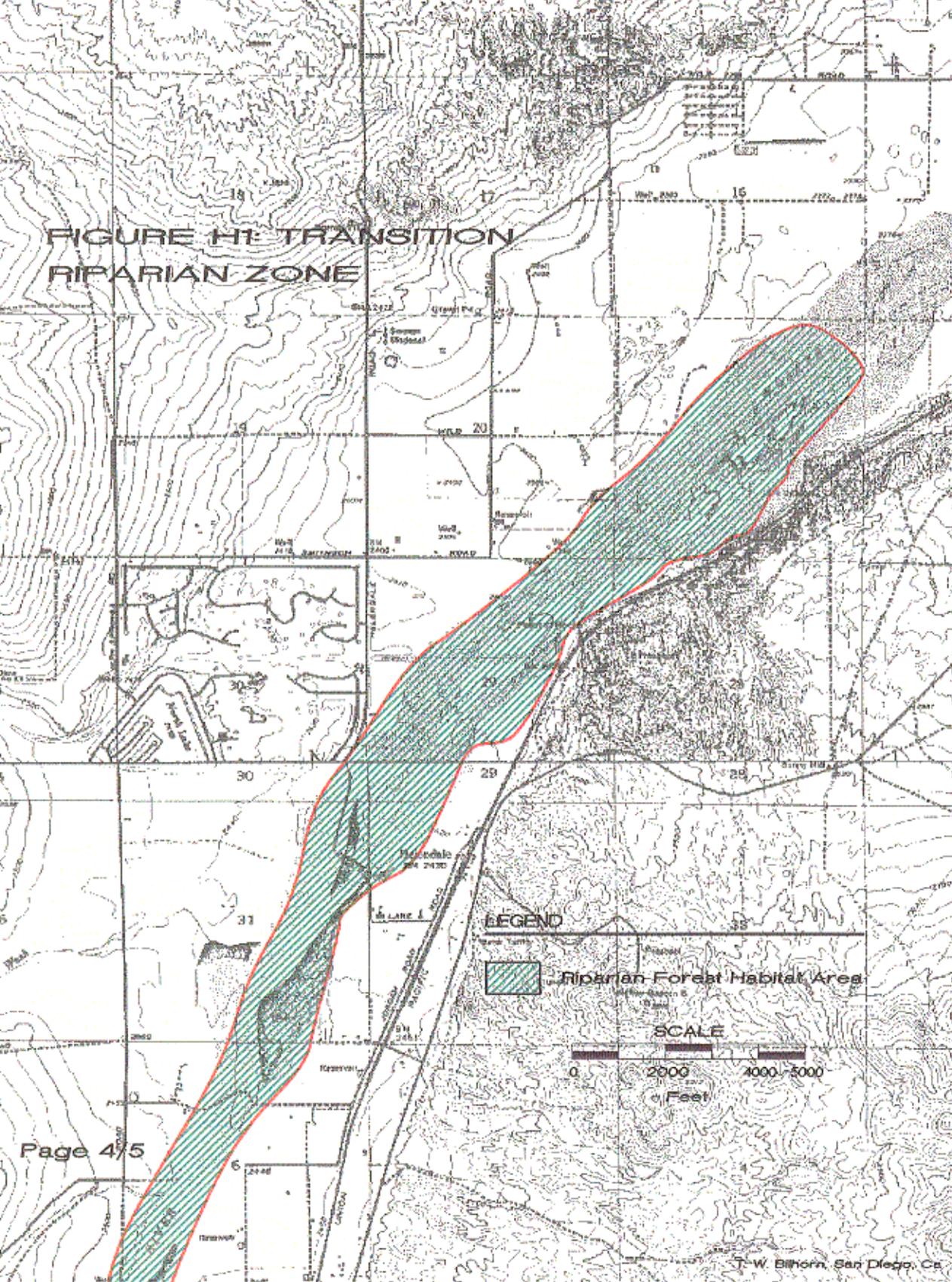
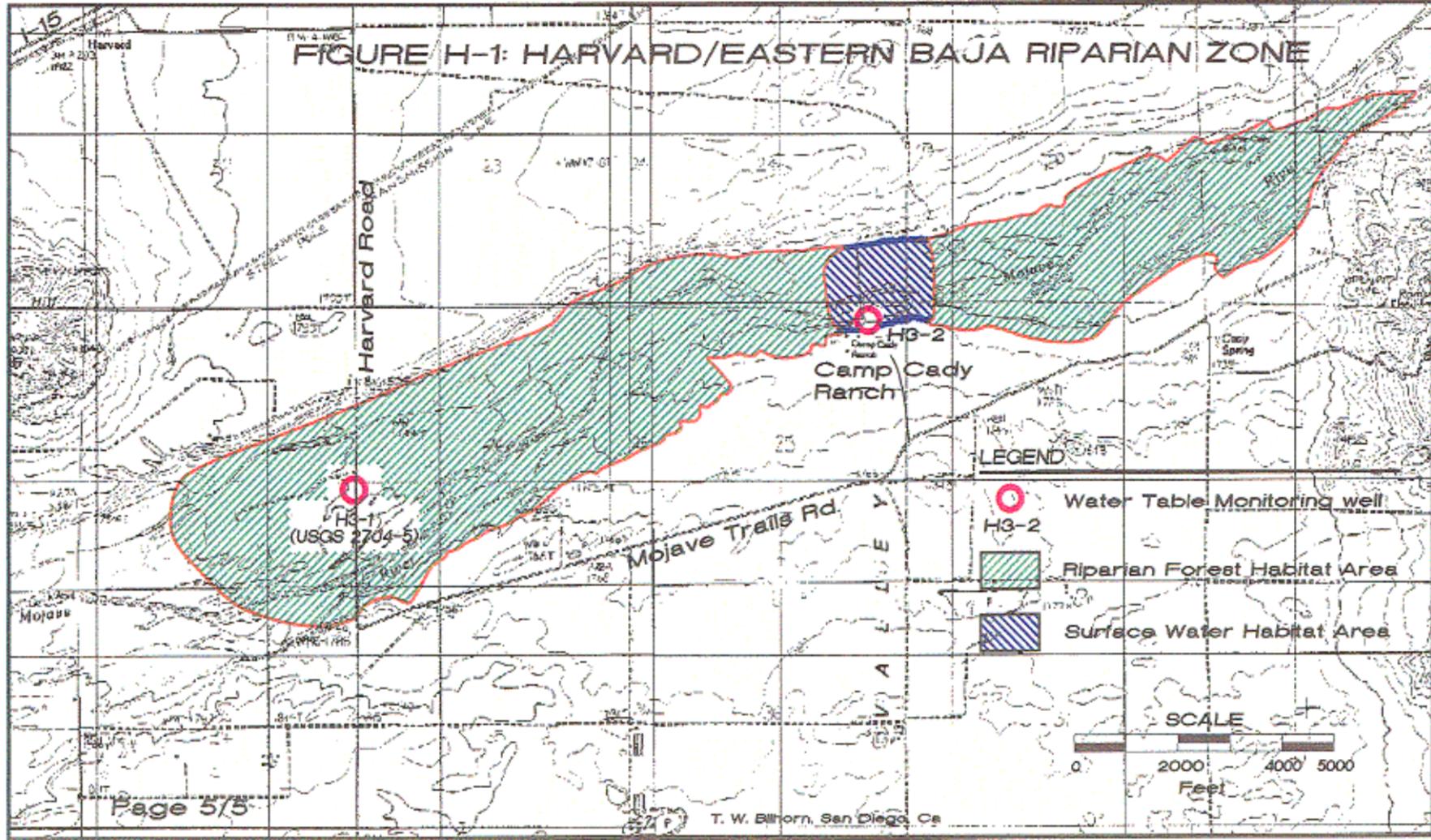


FIGURE H-1: HARVARD/EASTERN BAJA RIPARIAN ZONE



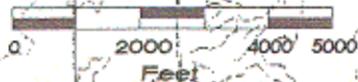
LEGEND

 Water Table Monitoring well

H3-2  
 Riparian Forest Habitat Area

 Surface Water Habitat Area

SCALE



LEGEND

- STATE BOUNDARY
- INTERNATIONAL BOUNDARY
- COUNTY BOUNDARY
- DISTRICT/TRACT BOUNDARY
- POTENTIAL RECHARGE AREA

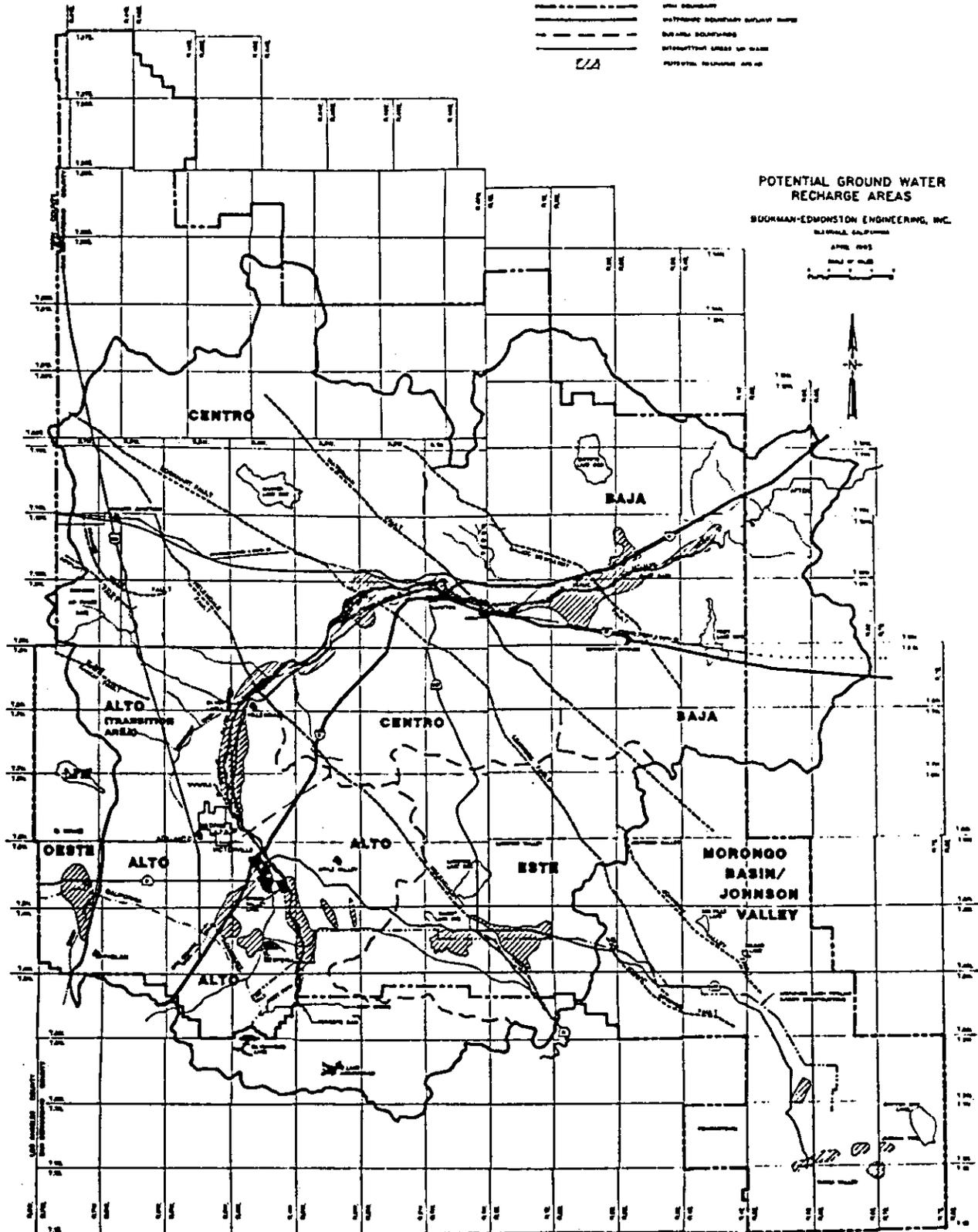
POTENTIAL GROUND WATER RECHARGE AREAS

BOOKMAN-EDMONSTON ENGINEERING, INC.

NATIONAL CAPITAL

APRIL 1995

SCALE OF 1:50,000



MOJAVE WATER AGENCY

REGIONAL WATER MANAGEMENT PLAN

## Appendix E

### Mojave Water Agency 2004 Regional Water Management Plan Update

[Provided in attached compact disc (CD)]

Report may be accessed using the following URL:

<http://www.mojavewater.org/home/projects/documents/2004RegionalWaterManagementPlanFinal.pdf>

Appendices may be accessed using the following URL:

<http://www.mojavewater.org/Reports/RegionalandLocalizedStudies/RegionalandLocalizedDocuments/RegionalWaterManagementPlan2004Volume2Appendices.pdf>

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## **Appendix F**

Technical Memorandum on SBX7-7 20x2020 Baseline Calculation  
& Water Use Target Method Selection

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## TECHNICAL MEMORANDUM

To: Rick Gomez

From: Harvey Gobas, PE

Date: June 1, 2011

Subject: 20x2020 Baseline Calculation & Water Use Target Method Selection

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According to the Department of Water Resources (DWR), a water supplier must define a continuous 10 or 15 year base period (baseline) for water use ending no earlier than December 31, 2004 and no later than December 31, 2010 that will be used to develop their per capita water use target for the year 2020 and an interim target for 2015. A water supplier who met at least 10 percent of its 2008 measured retail water demand through recycled water may use a 15-year baseline period; otherwise a supplier must use a 10-year baseline. The City of Adelanto did not use any recycled water to meet its 2008 water demand and, as a result, must use a 10-year baseline.

*Table 1* shows the groundwater use within the City water service area. Since the City has no agricultural use, no recycled water use or any other source of water the groundwater use is the gross water use for purposes of determining the per capita consumption. The table also includes population of the water service area and per capita water use from fiscal year (FY) 1996 through FY 2010. Population data used herein is from the Department of Finance (DOF) and includes the entire water service area. Since water use has been trending downward recently even with increasing population, per capita use has been dropping. The most advantageous period for the City to use is the one generating the highest per capita use, making subsequent conservation easier to achieve. Therefore, the 10-year period from FY 1996 thru FY 2005 was determined to be the most advantageous and was used to calculate a baseline per capita water use average of 321.8 gallons per capita per day (GPCD) as shown in *Table 1*.

**Table 1**  
**City of Adelanto Base Daily Per Capita Use**

<b>Water Year</b>	<b>Ground-water<sup>[1]</sup> (AFY)</b>	<b>Gross Water Use<sup>[2]</sup> (AFY)</b>	<b>Gross Water Use (gal/day)</b>	<b>Water Service Area Population<sup>[3]</sup></b>	<b>Annual/ Capita Use (GPCD)</b>
1996	4,475	4,475	3,994,750	7,123	560.8
1997	4,396	4,396	3,924,229	8,433	465.3
1998	4,015	4,015	3,584,117	10,676	335.7
1999	4,336	4,336	3,870,668	12,708	304.6
2000	4,871	4,871	4,348,252	18,130	239.8
2001	5,402	5,402	4,822,266	18,284	263.7
2002	5,710	5,710	5,097,212	18,777	271.5
2003	5,714	5,714	5,100,783	19,447	262.3
2004	6,062	6,062	5,411,436	21,313	253.9
2005	6,795	6,795	6,065,772	23,338	259.9
2006	6,538	6,538	5,836,353	24,796	235.4
2007	4,653	4,653	4,153,648	27,007	153.8
2008	5,326	5,326	4,754,422	28,000	169.8
2009	5,477	5,477	4,889,217	28,221	173.2
2010	4,866	4,866	4,343,789	31,765	136.7
<b>Baseline (Average FY 1996-2005)</b>					321.8
<b>Minimum Baseline (Average FY 2004-2008)</b>					214.6

[1] Pumped Water is groundwater pumped from the City's active wells.

[2] Gross Water Use = Pumped Water

[3] Population is obtained from Department of Finance's (DOF) Table E-4: Population Estimates for California State and Counties. Population for 2000 is as of Census date (April 1<sup>st</sup>), all other years are January 1st DOF estimates. Per DOF's Press Release on April 29, 2011 the 2010 populations were revised to incorporate 2010 Census counts as the benchmark.

A water supplier must set a 2020 water use target and a 2015 interim target using one of the following four methods as defined further in Section 10608.20 of Senate Bill No. 7 (SBX7-7):

- Method 1: Eighty percent of the water supplier's baseline per capita water use
- Method 2: Per capita daily water use estimated using the sum of performance standards applied to indoor residential use; landscape area water use; and commercial, industrial, and institutional uses
- Method 3: Ninety-five percent of the applicable state hydrologic region target as stated in the State's April 30, 2009, draft 20x2020 Water Conservation Plan
- Method 4: A BMP Option based on standards that are consistent with the California Urban Water Conservation Council's (CUWCC) best management practices (BMPs).

## **Calculation of Minimum Targets**

If the average base daily per capita water use is greater than 100 GPCD for a defined 5-year baseline period, the legislation's minimum water use reduction requirement must also be met as set in Section 10608.22 of Senate Bill No. 7 SBX7-7.

Per SBX7-7, the minimum water use reduction baseline period must end no earlier than December 31, 2007 and no later than December 31, 2010 and the minimum reduction shall be no less than 5 percent of this 5-year base daily per capita water use. A minimum water use reduction baseline period between FY 2004 through 2008 was selected to calculate the most advantageous 5-year minimum water use reduction target. As shown in *Table 1*, the minimum baseline water use for that period averages 214.6 GPCD. The minimum per capita water use target for 2020 would therefore be 203.9 GPCD (95% of 214.6).

## **Calculation of Targets Using Methods 1 – 4**

Method 1: Using a baseline per capita average of 321.8 GPCD (shown in Table 1) the City of Adelanto 2020 target would be 257.4 GPCD (80% of 321.8). Since the target water use for Method 1 is greater than the one found using the legislation's minimum requirement criteria (203.9), the water target level needs to be reduced to the minimum target of 203.9 GPCD for 2020, if this method is selected.

Method 2: The City of Adelanto does not currently maintain records of lot size, irrigated landscaped area for each parcel, reference evapotranspiration for each parcel, etc. to split its residential, commercial, industrial, or institutional uses into inside and outside (landscape irrigation) uses. The use of Method 2 to calculate conservation targets is therefore not feasible.

Method 3: The City of Adelanto falls within the South Lahontan Region (Hydrologic Region 9). According to the State's April 30, 2009 draft 20x2020 Water Conservation Plan, the 2020 Target for Hydrologic Region 9 is 170 GPCD. Using Method 3, the City of Adelanto's 2020 water use target would be 161.5 GPCD (95% of 170). Since the target water use generated by Method 3 is less than the one found using the minimum requirement criteria (203.9), no further adjustments to this water use target would be required, if this method is selected.

Method 4: DWR recently released this method and a calculator for agencies wishing to use this BMP-based method. A default indoor residential water savings of 15 GPCD was assumed and the City of Adelantos's Public Water System Statistics Report for calendar year 2000 submitted to the Department of Water Resources (DWR) was referenced to obtain the Commercial, Industrial and Institutional (CII) water use consumption (647 AF). Using the midpoint of the baseline period (year 2000) and DWR's "SBX7-7 Provisional Method 4 Target Calculator" resulted in a 2020 water use target of 203.9 GPCD. Since the target water use for Method 4 is equal to the one found using the legislation's minimum requirement criteria (203.9), no further adjustments to this water use target would be required, if this method is selected.

## Conclusion

The discussion and calculations above are summarized in *Table 2*.

**Table 2**  
**City of Adelanto**  
**Water Use Target Summary (GPCD)**

Method	2020
1	203.9
2	Not Applicable
3	161.5
4	203.9

As shown in *Table 2*, Method 1 and 3 results are the most favorable water use target level for the City of Adelanto, with the minimum 5-year water use reduction governing in Method 1. The 2015 interim target would then be 262.9 GPCD (mid-point between baseline of 321.8 and 2020 target of 203.9). It should be noted that the City has met this 2020 target consecutively for the past four years and the 2015 target the last eight years.

## **Appendix G**

Landscape Water Conservation Ordinance No. 441, Adelanto  
Municipal Code, Section 17.60

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ORDINANCE NO. 441

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, FINDING THE APPROVAL OF CODE AMENDMENT 05-02 EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15308 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT), ADOPTING CODE AMENDMENT 05-02 MODIFYING CHAPTER 17.10 OF THE ZONING CODE DELETING THE CURRENT LANDSCAPING SECTION 17.10.110 AND ADDING CHAPTER 17.60 TO INCLUDE THE OLD LANDSCAPE REQUIREMENTS AND ADDING NEW INFORMATION REGARDING WATER CONSERVATION, INCORPORATING MORE DETAILED REGULATIONS FOR NEW RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENT, MODIFYING TABLE 25-1 OF SECTION 17.25.040 AND TABLE 30-1 OF SECTION 17.30.040(A) REDUCING THE MINIMUM AMOUNT OF LANDSCAPING FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT FROM 10 PERCENT TO 5 PERCENT IN THE ADELANTO MUNICIPAL CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Adelanto has enacted landscaping regulations as part of the adopted Zoning Code; and

WHEREAS, the City of Adelanto acknowledges that there is a need to conserve water throughout the Victor Valley; and

WHEREAS, a Notice of public hearing was posted and published in the newspaper on January 26, 2006. In addition, a letter advising applicants of the proposed Code Amendment, and an invitation to a workshop on December 1, 2005 was mailed to all applicants with current development projects in process in the City, both residential and non-residential; and

WHEREAS, at the November 9, 2005 meeting, staff presented for discussion an ordinance amendment to reduce the percentage of landscaping area required for commercial and industrial development; and

WHEREAS, a workshop was conducted with the development community on December 1, 2005 to review the proposed water conservation policies; and

WHEREAS, a duly noticed public hearing was held before the City Council on February 8, 2006 to hear public testimony and consider the proposals; and

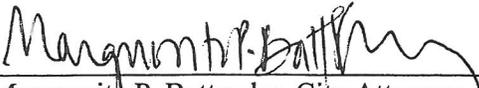
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO, CALIFORNIA HEREBY ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the information included in the General Plan, Zoning Code, staff reports for the public hearings, and public testimony prior to taking action on the proposed Code Amendment. This information is on file and available at the Community Development Department at the City Hall of the City of Adelanto.

Section 3. The City Council finds and determines that the adoption of Code Amendment 05-02 is exempt from the California Environmental Quality Act pursuant to Section 15308 of the California Environmental Quality Act Guidelines (Actions by Regulatory Agencies for Protection of

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Marguerite P. Battersby, City Attorney

I, Cindy Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 441 was duly introduced for first reading on the 8<sup>th</sup> day of February 2006 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 22<sup>nd</sup> day of February 2006, by the following vote, to-wit:

AYES: Council Members Baisden, Glasper, McCauley, Mayor Pro Tem  
Perez, and Mayor Nehmens

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 22<sup>nd</sup> day of February 2006.



Cindy Herrera  
City Clerk

SEAL

the Environment) and the City Council determinations reflect the independent judgment of the City Council.

Section 4. The City Council hereby further finds and determines that the City has followed the procedures for Ordinance Amendments as set forth in Sections 65850 through 65863.13 of the California Government Code.

Section 5. The City Council of the City of Adelanto hereby adopts Ordinance No. 441, adopting Code Amendment 05-02, modifying Chapter 17.10 of the Zoning Code deleting the current landscaping Section 17.10.110 and adding Chapter 17.60 to include the old landscape requirements and adding new information regarding water conservation, incorporating more detailed regulations for new residential, commercial, and industrial development, modifying Table 25-1 of Section 17.25.040 and Table 30-1 of Section 17.30.040(a) reducing the minimum amount of landscaping for commercial and industrial development from 10 percent to 5 percent in the Adelanto municipal code, attached hereto as Exhibits A, B, and C, and incorporated herein.

Section 6. If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect sixty (60) days after its final passage.

Attachments

Exhibit A: Chapter 17.60  
Exhibit B: Table 25-1  
Exhibit C: Table 30-1

PASSED, APPROVED AND ADOPTED this 22<sup>nd</sup> day of February 2006.



Jim Nehmens  
Mayor of the City of Adelanto



Cindy Herrera  
City Clerk

## CHAPTER 17.60

### LANDSCAPING/WATER CONSERVATION

<b>17.60.10</b>	<b>General Provisions</b>
<b>17.60.20</b>	<b>Landscape Design Plan</b>
<b>17.60.30</b>	<b>Landscape Design Standards</b>
<b>17.60.40</b>	<b>Landscape Material and Area Requirements</b>
<b>17.60.50</b>	<b>Model Home Complexes</b>
<b>17.60.60</b>	<b>Landscape Maintenance</b>
<b>17.60.70</b>	<b>Water Conservation</b>
<b>17.60.80</b>	<b>Approved Plant List</b>

#### **17.60.10 General Provisions**

Landscaping shall be provided, irrigated and maintained as required by the Planning Director, pursuant to this Code and the policies of the City General Plan, each of which may be amended from time to time.

- A. Purpose. The purpose of this Chapter is to provide minimum water conservation and landscape development standards which will promote the general welfare of Adelanto residents through the provision of an outdoor environment which will:
1. Create aesthetically pleasing views and vistas along public streets;
  2. Complement and enhance the functional and aesthetic design of new building and site development projects so as to protect and enhance property values;
  3. Provide visual screening of parking, service and storage areas;
  4. Mitigate the adverse impacts of higher intensity land uses upon lower intensity uses through the provision of needed landscape buffers;
  5. Promote water conservation by restricting the use of turf and ornamental water features and requiring the utilization of low water use plant materials;
  6. Promote climate modifications for enhancement of pedestrian environment at street frontages, parking lots and building facades.
  7. Provide maximum shade on ground surfaces to reduce the "urban heat island effect" produced by large expanses of unprotected paved areas.

B. Applicability.

All persons owning, developing or maintaining property subject to the provisions of this Chapter shall comply with all applicable provisions contained herein as identified below.

The landscape standards and requirements established by Sections 17.60.20 through 17.60.280 shall apply to all new developments whether residential, commercial or industrial. The landscape standards and requirements established by Sections 17.60.20 through 17.60.80 shall not apply to existing development, unless the development is being expanded by 25% or more of the existing floor area. The landscape maintenance provisions of Section 17.60.60 shall apply to all new and existing development.

This Chapter does not apply to registered historical sites or cemeteries. Registered historical sites and cemeteries shall provide scheduled irrigation based on CIMIS (California Irrigation Management Information System) or conduct water audits every three (3) years with strict adherence to the recommendations in the water audit. CIMIS and water audits shall be submitted to the water serving entity for compliance.

**17.60.20 Landscape Design Plan**

A. Prior to the issuance of a building permit, three (3) copies of a landscape design plan consisting of the landscape and irrigation plans shall be submitted to the Planning Division. Such plans shall be drawn at a minimum scale of one (1) inch equals thirty (30) feet (maximum sheet size 30" X 42") and contain the following information:

1. Building footprints and roof overhangs, walkways, parking surfaces and vehicular overhang lines, property lines, right-of-way lines, and easement lines;
2. Calculations of the square footage and percent of total of all site elements including building footprints, parking, and landscaped area. Landscaped area shall also be further subdivided into subcategories of turf, shrubs/groundcover, and inorganic materials;
3. The location of existing and proposed plant materials;
4. Plant graphic symbol legend and a plant schedule including botanical and common names, planting size, number of plants, and on-center spacing of massed shrubs and ground cover plants on each landscape plan sheet;
5. Planting details, specifications and required guarantee (see Section 17.60.60.B);

6. Inorganic materials schedule including type of materials (i.e. decomposed granite, river rock, screened rock, etc.) quantities and depth;
  7. Irrigation plan showing location of controller, existing or proposed meters, backflow preventer, water lines, heads, and materials schedule on each landscape plan sheet. Irrigation systems shall be designed to minimize maintenance and water consumption, and the irrigation system shall be properly designed and installed to ensure that overspray onto fences, walls and structures is eliminated to the maximum extent feasible;
  8. Irrigation details and pressure loss calculations.
  9. A diagrammatic plan showing the amount of shading that the landscaping is expected to provide at its maturity with the sun at its apex.
- B. The landscaping and irrigation plans shall be approved by the Director if found to be in compliance with the standards and requirements of this Chapter, which approval shall be obtained prior to the installation of the landscaping and irrigation materials. The installation of the landscaping and irrigation materials required by this Chapter shall be completed and shall be approved by the Director prior to the issuance of a Certificate of Occupancy for the structure, or prior to the use of the facility if no structure is involved.

### **17.60.30 Landscape Design Standards**

- A. Landscaping shall be designed, installed and continuously maintained in accordance with the following standards:
1. Principles of Xeriscape Landscaping. Landscape developments shall be designed, installed and continuously maintained in accordance with the following seven basic principles of Xeriscape landscaping:
    - a. Planning and Design. Use a water conservation design. Implement a "mini-oasis" concept. Water using plants and turf should be concentrated in small areas near buildings where they may be enjoyed at the pedestrian level.
    - b. Limited Turf Areas. Limit the use of turf to small areas where it will be actively used and efficiently watered. See Section 17.60.70.E for further information.
    - c. Efficient Irrigation. Utilize the most efficient irrigation system for the area being served. Drip irrigate individual

plants rather than flooding larger areas. Group plantings with common water requirements together to be watered on the same irrigation control zone.

- d. Soil Improvements. Add soil amendments within planned areas to increase the water holding capacity of the soil and improve the health and vigor of plants.
- e. Mulching. Cover final soil surfaces with organic or inorganic mulches to insulate against soil temperature extremes and conserve moisture.
- f. Use Lower Water Demand Plants. Utilize only those plants listed in the officially approved low water use plant list (see Section 17.60.80) or alternative plants approved by the Director.
- g. Appropriate Maintenance. Maintain irrigation systems so they operate at peak efficiency. Lessen water demand by keeping weed growth down and by thinning unwanted wood from trees rather than cropping them.

2. Unity and Continuity<sup>1</sup>.

Landscape unity and continuity may be significantly enhanced through the selection of a dominant tree and shrub species. Such dominance shall be established by making the selected species clearly in the majority (60% or more).

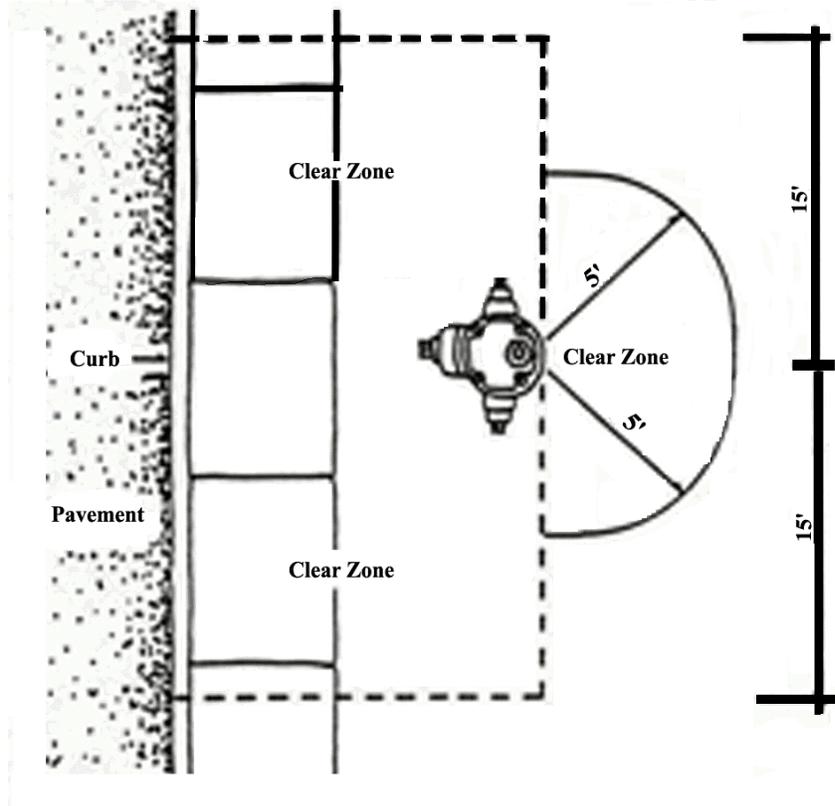
3. Tree and Shrub Placement in Proximity to Fire Hydrants.

Trees, as measured from trunk center, shall be placed a minimum of five (5) feet from fire hydrants. Shrubs, as measured from their mature perimeter, shall be located a minimum of five (5) feet from the rear of a fire hydrant. In no case shall any material other than groundcover be placed between the street or roadway and within fifteen (15) feet of either side or front of a fire hydrant.

(Figure 17.60.30A).

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1 Plant palettes partially implemented through the construction of one or more phases of a previously approved master planned project, except for turf areas in excess of the limitations established by these landscape standards, shall be continued throughout the development of that project.



**Figure 17.60.30-A - Fire Hydrant Clear Zone**

4. Ground Surface Treatment
  - a. Pre-Treatment of Ground Surfaces Required. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, gravel, crushed rock, river run rock, etc.) in any landscaped area to prevent weed growth.
  - b. Inorganic Ground Cover. Inorganic ground covers (decomposed granite, crushed stone, etc.) shall be of a natural color harmonious with other site and architectural materials and shall be installed to a minimum depth of two (2) inches.
  - c. Plant Cover/Dust Control. All portions of a development site (including future building pads) not occupied by buildings, structures, paved improvements, and required landscape areas shall be temporarily landscaped with plant materials in accordance with this Chapter or treated

with an appropriate inorganic ground cover and maintained in a weed and dust free condition.

5. Plant Massing.

The massing of trees and shrubs into groups containing three (3) or more plants is required unless standards elsewhere within this Chapter require only a single element, e.g., single trees within parking lot planter islands. Planting of single shrub specimens, unless used to repeat an element already established within a massed planting within the same visual area, is prohibited.

6. Plant Groupings.

The grouping of plant species commonly found together in natural associations or of common environmental requirements (soil type, water, sun exposure, temperature limitations, etc.) is required.

7. Plant Spacing.

In order to foster a more natural look, an uneven spacing of plants is required unless such plants are being used to create a massed shrub or groundcover bed. The spacing of shrubs shall be sufficient to allow plants to reach their natural mature size and form.

8. Consistency with Existing Streetscape Standards.

Street frontage landscaping shall be consistent with any previously adopted specific streetscape standards.

**17.60.40 Landscape Material and Area Requirements**

A. New developments shall be landscaped in accordance with the following minimum standards:

1. Plant Material

a. Landscaping shall consist of native or drought-tolerant plants capable of surviving the desert environment and climate with a minimum of maintenance and supplemental watering. A list of plants determined capable of meeting this criterion is contained in Section 17.60.80. Other plants may be considered on their merits in meeting this criterion. Determinations of plant species suitability will be made by the Director upon submission of project plans.

- b. Landscaping materials may also consist of wood timbers, decorative rocks, boulders, sand, bark, gravel, or a combination thereof; provided, however, that the majority of landscape materials and area shall consist of plants, as set forth above.

2. Irrigation

Utilize the most efficient irrigation system for the area being served. Irrigation of required landscaped areas should be by drip irrigation and matched precipitation rate, low-gallonage sprinkler heads, bubblers, and timing devices. Timing devices shall include soil moisture sensors and rain sensing override devices.

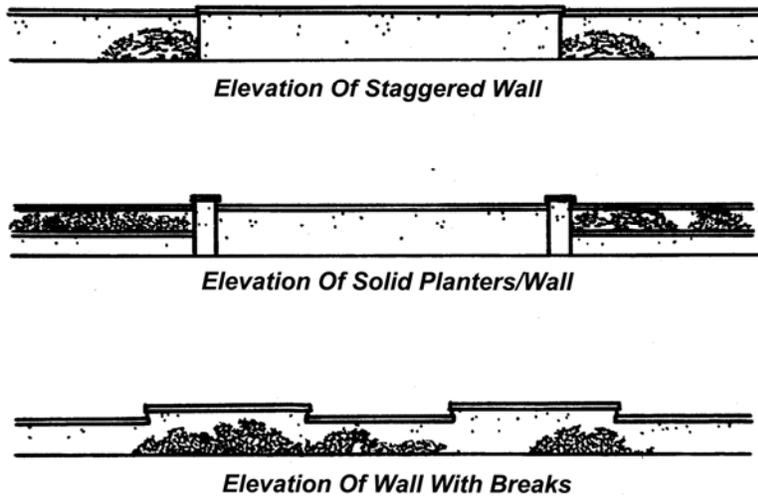
Irrigation systems shall be designed to minimize maintenance and water consumption, and the irrigation system shall be properly designed and installed to ensure that overspray onto fences, walls and structures is eliminated to the maximum extent feasible.

3. Landscape Area Requirements.

All portions of a development site not utilized for building development, service areas, paved or improved storage areas, parking, driveways, etc., shall be landscaped. Developers are required to install front and street side yard landscaping for all new development. Minimum areas of landscaping are as follows:

- a. Front Building Setback/Street Right-of-Way Areas. All front building setback and street right-of-way areas located between on-site improvements and the back of existing or future public sidewalks or street curbs, except needed access driveways, shall be fully landscaped, unless otherwise provided for in this Development Code.
- b. Parking Lot Area. The following landscaping standards apply to parking lots (Figure 17.60.40-B, C, and D).
  - 1) In order to reduce the "heat island effect" of large expanses of unprotected paved areas, a minimum of thirty (30) percent of the interior parking surface of all parking lots shall be shaded at the maturity of the landscaping.
  - 2) Provide a minimum of one (1) tree (minimum fifteen (15) gallon size when planted) for each seven (7) parking spaces located so as to visually disrupt long rows of parking spaces, trees may be clustered where appropriate.

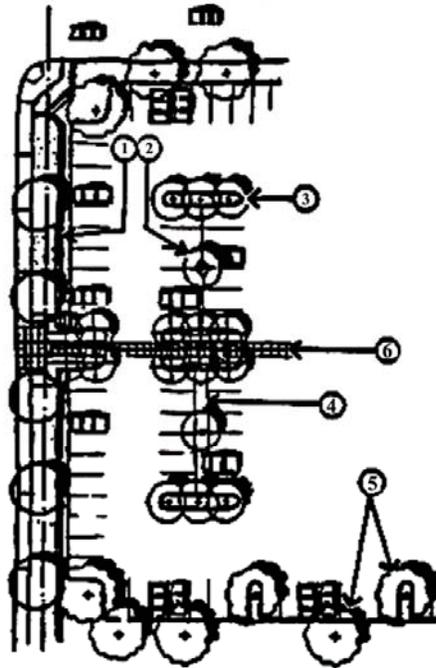
- 3) A thirty-six to forty-two (36-42) inch high decorative masonry wall, hedge or landscaped berm, as measured from the finished grade of the parking area, shall also be used adjacent to public rights-of-way to screen the parking area. The height of the screening wall or berm may be reduced when the parking lot is below grade. Horizontal and vertical variations in the design of screening walls are required where the length of such walls exceeds forty (40) feet. Said variations are subject to Planning Staff approval.



**Figure 17.60.40-B - Recommended Design Features and Materials**

- 4) A minimum of five (5) percent of the interior parking surface area of all parking lots shall be landscaped. Such percentage may be achieved by combining paragraph (1) below with paragraph (2) and/or (3).
- a) Planter islands a minimum of five (5) feet in width shall be located at the ends of all rows of parking stalls between the last stall and any drive aisle. Where drive aisles are curved, alternative dimensions with similar area may be approved (Figure 17.60.40-C); and

- b) Planter islands, shall be uniformly distributed throughout the interior parking area, and protected by raised curbs (Figure 17.60.40-C); or
  - c) Planter strips, located between double rows of parking stalls, shall be a minimum of four (4) feet in width. Each parking stall may overhang two (2) feet into this area (Figure 17.60.40-C).
- 5) Trees within parking lots shall be kept trimmed to a minimum clear canopy height of six (6) feet for visual safety.

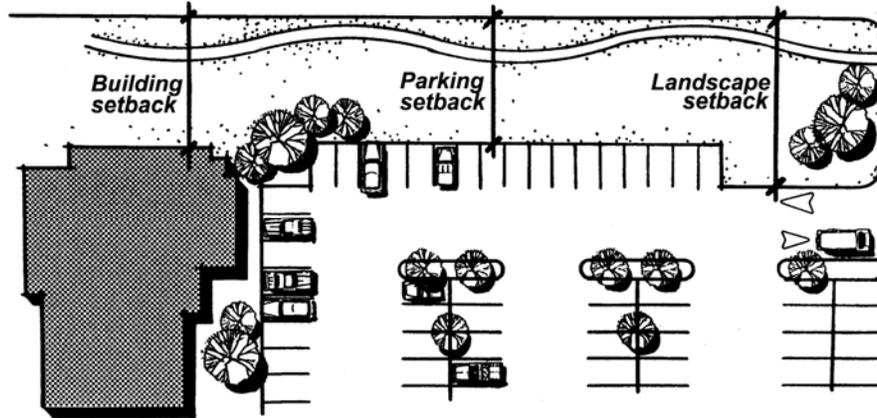


- LEGEND**
- 1 30" - 42" Block wall and/or berm.
  - 2 Minimum 6' square tree well.
  - 3 Minimum 6'x18' end of row planter island.
  - 4 Planter strips a minimum of 4' in width between double rows.
  - 5 Minimum one tree per each 7 uninterrupted parking stalls.
  - 6 Special paving at pedestrian circulation areas.

**Figure 17.60.40-C - Planter Islands/Strips**

- 6) A landscaped strip with a minimum width of ten (10) feet shall be provided where parking lots are adjacent to a public right-of-way or residential uses or districts, unless otherwise provided for in this Code.

4. Landscape Buffers/Perimeter Landscape Strips
  - a. Landscape Buffers. When providing a buffer between commercial/industrial and residential uses or districts the following features are required:



**Figure 17.60.40-D - Landscape Areas**

- 1) Landscaping shall include one (1) tree for each 200 square feet of required landscape area. Said tree shall be a minimum fifteen (15) gallon size when planted, twenty (20) percent of such required trees shall be twenty-four (24) inch box size; and
  - 2) A six (6) foot decorative masonry wall to City standards; and
  - 3) Evergreen trees a minimum of six (6) feet in height, and 2 inches in diameter, planted at a maximum spacing of twenty (20) feet on center and shrubs planted at a rate of five (5) per one hundred linear feet.
- b. Front Building Setback Area. Landscaping in the front building setback area shall be provided at a minimum rate of one (1) tree and six (6) shrubs per thirty (30) linear feet of frontage plus sufficient groundcover plantings to provide combined shrub and ground coverage of fifty (50) percent of the total landscaped area. Trees and shrubs may be grouped, but gaps between groupings of plants shall not exceed forty (40) feet.

c. Other Perimeter Areas. Landscaping in other perimeter areas shall be provided at a minimum rate of one (1) tree and six (6) shrubs per forty (40) linear feet plus sufficient groundcover plantings to provide combined shrub and ground coverage of forty (40) percent of the total landscaped area, except where screening is required. Trees shall be a minimum fifteen (15) gallon size when planted, twenty (20) percent of which shall be twenty-four (24) inch box size. Trees and shrubs may be grouped, but gaps between groupings of plants shall not exceed fifty (50) feet.

5. Landscape Improvement Requirements. The following minimum landscape improvements are required within the following landscape areas:

a. Single and Multi-Family Residential Developments

1) Common open space/retention areas. A minimum of one (1) tree and six (6) shrubs per 500 square feet of open space plus such additional vegetative ground cover as is necessary to cover a minimum of fifty (50) percent of the total landscaped area with shrubs and ground cover. The inclusion of turf is subject to the limitations established in Section 17.60.70.E and in Table 17.60.40-A.

2) Arterial and collector street rights-of-way. Arterial and collector street rights-of-way adjacent to and within single and multi-family residential developments shall be landscaped at a rate of one (1) tree and three (3) shrubs per 30 linear feet plus such vegetative ground cover necessary to cover a minimum of forty (40) percent of the total landscaped area with shrubs and ground cover. Turf is prohibited within public rights-of-way.

3) Front and Street Side Yards. The use of turf in these areas is discouraged. See Section 17.60.70.E for specific restrictions.

b. Commercial/Office/Institutional Developments. One (1) tree and six (6) shrubs per 500 square feet of interior open space plus such additional ground cover which, upon maturity, will cover a minimum of fifty (50) percent of all interior open space surfaces. The inclusion of turf is subject to the limitations established in Section 17.60.70.D and in Table 17.60.40-A.

- c. Industrial Developments. One (1) tree and six (6) shrubs per 750 square feet of interior open space plus such additional vegetative ground cover which, upon maturity, will cover a minimum of forty (40) percent of all interior open space surfaces. The inclusion of turf is subject to the limitations established in Section 17.60.70.D and in Table 17.60.40-A.
- d. Grading in the Front Building Setback. Front setback areas shall be graded in a manner which creates natural and pleasing ground forms in accordance with the following guidelines:
  - 1) A maximum of fifty (50) percent of the front building setback area may be used for storm water retention;
  - 2) Soil excavated to create needed retention basins shall, within the slope limitations established below, be used to create complementary earth mounds elsewhere within the same front building setback area;
  - 3) Earth mounds with a maximum slope ratio of four to one (4:1), horizontal to vertical, shall be located and designed to minimize street views into retention basins;
  - 4) Grading and other site preparation shall preclude the run-off of rain and/or irrigation water from landscaped surfaces onto paved surfaces.
- e. Finished Grade Surfaces. All landscaped areas shall be graded so that finish grade surfaces of all nonliving materials (i.e., decomposed granite, crushed rock, mulch, and the like) are at least one and one-half (1 1/2) inches below concrete or other paved surfaces.
- f. Protection of Landscaped Areas. Landscaped areas adjacent to vehicular drives or parking areas shall be protected by a six (6) inch vertical curb. Areas surfaced with different materials (i.e. lawn and decomposed granite) shall be separated by masonry, wood, or mowing strips.
- g. Irrigation Systems. The use of drip irrigation systems or systems of equivalent efficiency for all landscaping at commercial and industrial facilities and all common areas of residential developments is required. The use of

similar systems on individual residential lots is encouraged.

Irrigation systems shall be designed to minimize maintenance and water consumption, and the irrigation system shall be properly designed and installed to ensure that overspray onto fences, walls and structures is eliminated to the maximum extent feasible.

h. Limitations on the Use of Turf

Unless watered with "reclaimed" water, the use of turf in specific land uses shall be limited to the percentages listed in Table 17.60.40-A below.

Land Use	Turf permitted as a percent of Total Landscaped Area
Single family residential	20%
Multi-family residential	20%
Common open space/retention basins	20%
Parks, schools, golf course and cemeteries	No limitations
Commercial/office/institutional	20%
Industrial	10%

7. Decorative Water Features.

Within commercial, industrial and multi-family developments the use of decorative water features including, but not limited to, pools, ponds, fountains, streams, and waterfalls, unless serviced with "reclaimed water", shall be limited to small scale pedestrian oriented locations and features. Water feature designs that reduce evaporation, e.g. cascading water rather than vertical sprays, are required.

**17.60.50 Model Home Complexes**

- A. Model home complexes, unless they are utilizing "reclaimed water", shall be landscaped in accordance with the xeriscape landscape principles listed in Section 17.60.30.A and the following minimum requirements:

1. Plant Materials.

Landscaping shall consist of native or drought-tolerant plants capable of surviving the desert environment and climate with a minimum of maintenance and supplemental watering. A list of plants determined capable of meeting this criterion is contained in Section 17.60.80. Other plants may be considered on their merits in meeting this criterion. Determinations of plant species suitability will be made by the Director upon submission of project plans.

2. Turf and Water Surfaces/Features.

Combined turf and water surfaces of all water features shall not occupy more than fifty (50) percent of the landscapable area within each lot in the model home complex. Swimming pools, hot tubs and spas are exempt from this limitation.

3. Literature Package.

A literature package describing water conserving landscaping designs shall be on display within all model sales offices. If copies of the literature package are not made available by the homebuilder, such display shall include information regarding where the literature is available. The following are recommended to be included in the literature package:

- a. A Guide to High Desert Landscaping. Available at your local water district offices and the Planning Division offices.
- b. The Unthirsty One Hundred  
Reprint from Sunset Magazine - October 1988  
Lane Publishing Company  
Menlo Park, California 94025

**17.60.60 Landscape Maintenance**

A. Landscape Maintenance. Landscaping shall be continuously maintained (watering, fertilizing, weeding, mowing, trash pick-up, and pruning) by the landowner or the lessor of new and existing development in accordance with the following:

- 1. Sites shall be kept clean and attractive at all times. Weeds and trash (windblown or otherwise) shall not be allowed to accumulate on the site.
- 2. Living plant material shall receive sufficient water and fertilization to maintain health and vigor and shall, to the maximum extent possible, be allowed to attain its natural mature

size and shape.

3. Pruning and mowing shall be used to maintain plant health and vigor while enhancing its form and structure. Cropping trees, unless necessary to protect traffic safety or overhead power lines, is prohibited.

Pruning and mowing will conform to the commonly used standards for each species; however, in no case will the landscape areas be allowed to become overgrown. Examples of overgrown landscape material include:

- a. Lawn grass species: Plants which have established seed heads, lawns that have become thatched and matted, have become infested with herbaceous weeds, or exceed eight (8) inches in height.
  - b. Shrubs and decorative grasses: Plants that have grown so large as to block natural light from entering windows, extend over property lines, extend over roof peaks or eaves, or are causing the strangulation of other plants.
  - c. Trees: Plants which display sucker growth, have grown to a height or canopy width which impairs the normal illumination of street lights, extend over property lines, interfere with overhead lines or impact public property.
4. All dead or obviously unhealthy plant material shall be replaced in an expeditious manner with material equal to that which was originally specified on the approved landscape plan.
  5. Bare spots in lawns or planters shall be promptly revegetated.
  6. Customary maintenance shall include provision of adequate irrigation, based on the micro-climate, and regular application of fertilizer, based on the needs of the plant.
  7. All property owners shall be responsible for maintenance of parkway areas within the public right-of-way adjacent to their properties, except those areas outside of a six-foot high block wall or solid fence.

#### B. Landscape Guarantee

1. The owner or developer shall, prior to the issuance of a certificate of occupancy, evidence that all plant materials are guaranteed for a minimum period of sixty (60) days from the date of final approval of the installation of the landscaping. Terms of the guarantee shall also specify that any plant materials which are not approved prior to October 1st of the calendar year

in which they are installed shall be further guaranteed until May 20th of the following calendar year.

2. Trees, shrubs, vines, ground cover, and turf which have to be replaced under terms of the guarantee shall be guaranteed for an additional sixty (60) days from the date of replacement.
3. All plant materials requiring replacement under the conditions of the contractors guarantee shall be replaced within ten (10) working days from the date of written notification.

C. Existing Landscaping

1. Maintenance. Required landscape areas, existing at the time of adoption of this Ordinance, shall be maintained in accordance with the provisions of Section 17.60.60.A above.
2. Prevention of Wasted Water. Existing developments shall, through improvements to its irrigation system and landscaped areas, prevent water waste resulting from inefficient landscape irrigation, run-off, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures.

**17.60.70 Water Conservation**

A. Definitions

1. **Acre-foot of water** – that quantity of water required to cover (1) acre of land one (1) foot deep, or three hundred twenty-five thousand, eight hundred fifty-one (325,851) gallons.
2. **Active recreational area** – an area designated and primarily used for organized sports, including, without limitation, softball, baseball, football, soccer or a similar related sport, including all amenities related to the activity.
3. **Body of water** – any artificially constructed lake, pond, or lagoon, regardless of size.
4. **City** – the City of Adelanto
5. **Controller** – a mechanical timer capable of operating valve stations to set days, length of time, and frequency of water application.
6. **Escaped water** – the pumping, flow release, escape, or leakage of any water from any pipe, valve, faucet, connection, diversion berm, well, or any facility for the purposes of water supply, transport, storage, disposal, or delivery onto adjacent property or

public right-of-way.

7. **Excess runoff** – water accumulation on streets, gutters, neighboring properties, or other areas in an amount sufficient to cause flow.
8. **Manager** – the City Manager or the City Manager’s designee.
9. **Lot** – a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incidental to it, including the open space required by the City’s zoning ordinance, and having it’s principal frontage upon a street as defined in the City’s zoning ordinance.
10. **Model home** – a facility used exclusively for the promotion and sale of homes similar to the model.
11. **Person** – an individual, corporation, partnership, incorporated association, or any other similar entity.
12. **Public water system** – any publicly or privately owned network of pipes, conduits, wells, reservoirs, holding tanks, and other components, including any combination thereof, which supplies water to water users, who are charged a fee of any kind or nature for such purpose, or which is designed to supply water or is capable of supplying water to water users for a fee, and includes any such system whether it is operated under the regulatory authority of the City of Adelanto, but does not include any irrigation company or district whose primary purpose is to supply water for farming.
13. **Residential development** – the development of any type of dwelling unit or units suitable or designed for human habitation, including, but not limited to, single family homes, condominiums, or manufactured homes, but not including hotels, motels, licensed convalescent homes, commercially operated retirement homes, time share units, or the like. “Residential development” shall not include remodeling or reconstruction where no new dwelling unit is created.
14. **Right of way** – land which by deed, conveyance, agreement, easement, dedication, usage, or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, or pedestrian walkway purposes.
15. **Turf** – a surface layer of earth containing grass with its roots.
16. **Turf-related facility** – a school, public recreational facility, cemetery, golf course, industrial park, or common area of a

housing development that applies water from any source, including effluent.

17. **Water-intensive landscape** – an area of land that is watered with a permanent water application system and planted primarily with plants not listed in Section H “Approved Plant List”. Included is the total surface area of all water features (i.e. swimming pools of any size, fountains, ponds, water courses, waterfalls, and other artificial water structures) filled or refilled with water from any source.
18. **Water purveyor** – the owner or operator of a public water system.
19. **Water user** – those persons, customers, and properties served by a water purveyor within the incorporated boundaries of the City.
20. **Water waste** – the indiscriminate use or excessive dissipation of water, which is unproductive or does not reasonably sustain life or economic benefits.

B. Application of Section

The provisions of this chapter shall apply to all water users. Any new single family residential development that is in Final Map check or has submitted Street Improvement Plans at the time this Ordinance is adopted is exempt from these regulations.

1. resulting from fire fighting, hydrant flushing, or fire training activities; or
2. necessary to prevent or abate threats to the public health or safety; or
3. from routine maintenance of any public water system or from temporary water system failures or malfunctions; or
4. from water users engaged in landscape irrigation with treated wastewater, effluent, grey water, or other nonpotable water.
5. drought tolerant plants as outlined in Section 17.60.80.

C. Prohibited Water Uses and Water Waste

The restrictions or prohibitions in this chapter shall not apply to water use, runoff, or flow.

1. It shall be unlawful for any water user of a public water system to knowingly allow water waste at any location or premises within the City limits after having been served with a notice of

violation, pursuant to Section 17.60.70.C for wasting water from the same location or premises.

2. It shall be unlawful for any owner, occupier, or manager of real property within the City to knowingly allow water waste at any such real property after having been served with a notice of violation, pursuant to Section 17.60.70.C for wasting water from the same location or premises.
3. It shall be unlawful for any water user within the City to knowingly make, cause, use, or permit the use of water for residential, commercial, industrial, agricultural, or any other purpose in a manner contrary to any provision of this chapter.
4. It shall be unlawful for any water user to cause or permit any water furnished to any property within the City to run or to escape from any hose, pipe, valve, faucet, sprinkler, or irrigation device onto any sidewalk, street, or gutter or to otherwise escape from the property, if such running or escaping can reasonably be prevented.
5. It shall be unlawful for any water user to wash any vehicle, equipment, or other object, or any driveway, parking lot, sidewalk, street, or other paved surface, in any manner permitting the continuous flow of water for more than five minutes.
6. Commercial and noncommercial watering of turf, ground cover, open ground, shrubbery, crops, gardens, and trees, including agricultural irrigation, in a manner or to an extent which allows substantial amounts or excess runoff shall not be permitted. A minimum amount of runoff, which is a natural consequence of conservative watering, either by hand or by mechanical or automated sprinkling facilities, is permitted, so long as such runoff does not amount to excess runoff as defined in this Chapter.
7. It shall be unlawful for any water user to permit the excess use, loss, or escape or water through breaks, leaks, or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected.
8. It shall be unlawful for any water user to willfully or negligently permit or cause the escape or flow of irrigation water in such quantity as to cause flooding, impede vehicular or pedestrian traffic, create a hazardous condition to such traffic, or cause damage to public or private rights of way through failure or neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch.

9. It shall be unlawful for any water user to water or permit the watering of water intensive landscape or turf at time other than as authorized by the water purveyor.
10. It shall be unlawful for any water user to willfully or negligently fail to accept irrigation water after it has been ordered.

D. Limitation on water intensive landscape and turf areas within new nonresidential facilities

The following types of facilities shall limit the water intensive landscape and turf within the landscaped area to the following percentages of the total lot area, and all remaining landscaped area shall consist of plants listed in Section 17.60.80:

1. Churches. Twenty percent (20%) of total lot area.
2. Resorts, including hotels and motels. See Table 17.60.40-A (Permitted Turf Area).
3. Commercial and industrial uses. See Table 17.60.40-A (Permitted Turf Area).
4. Active recreational areas shall not be considered in calculating the percentage of the total lot area and shall not be considered in determining compliance with this Section.
5. No water intensive landscape or turf shall be permitted in any right of way.
6. No water features (ponds, fountains, etc.) shall be allowed without proof that the feature is utilizing water conservation measures such as recirculated water.

E. Limitations on model home and new residential development landscaping

1. Developers are required to provide front and street side yard landscaping to all new developments prior to the issuance of a Certificate of Occupancy. All new model homes and new residential development shall limit water intensive landscape and turf area to the following percentage of the total lot area, and all remaining landscaped area shall consist of plants listed in Section 17.60.80:
  - a. Front yard and street side yards. Twenty percent (20%) of the total front/street side yard area. (Total yard area of single family residences include any hardscape areas such as driveways and walkways.)

b. Rear yard. No limitations.

1. Common areas in residential developments. Ten percent (10%) of the first acre and five percent (5%) of each additional acre up to five (5) acres. Residential developments larger than five (5) acres shall not plant any additional water intensive landscape and turf in common areas.
2. Each model home complex shall include at least one plan with no turf. This no-turf option shall be offered as an option to the home buyer.
3. Water intensive landscape or turf is not limited in rear yards, but is strongly encouraged.
4. No water intensive landscape or turf shall be permitted in any right of way.
5. No water features (ponds, fountains, etc.) shall be allowed without proof that the feature is utilizing water conservation measures such as recirculated water.

Any modification to the landscaping that results in a proven reduction of water use may be used to obtain greater flexibility in the minimum turf area allowed. Methods used to reduce water use may include: satellite sprinkler systems, elimination of surface runoff, and/or the use of reclaimed water.

F. Public education during drought

The City will use intensive public education to assist water users impacted by the drought to understand the City's need for voluntary compliance. In addition to education, the City may use enforcement measures to curb water misuse.

G. Drought management plan implementation

1. The City Council shall promulgate a drought management plan containing regulations setting forth the criteria for implementation and termination of various water use reduction stages.
2. The City Council is authorized to declare a drought, and to implement a drought management plan, in response to events including, but not limited to, the following: reductions in supply from the Mojave Water Agency or Adelanto Public Utilities Authority, or when an insufficient supply appears likely due to water system limitations or structural failure.

3. Such declaration may designate the entire area of the City, or a portion of it if the shortage is not Citywide.
4. The City Council may terminate the drought declaration when he or she determines that the events that triggered the drought no longer exist.

H. Notification and publication of drought management plan

If the City Council determines that the health and safety of the City dictate implementing the drought management plan, notification shall be published in a paper of general circulation, to educate the public about the need for the plan, and give them notice of conservation regulations and requirements of the applicable stage of the plan. A copy of the drought management plan shall also be available for inspection at the City Clerk's office.

I. Enforcement of drought management plan

1. The City Manager or his or her designee shall have authority to take actions to enforce any mandatory elements that are part of drought management plans.
2. A written notice shall be placed on the property when a first violation occurs, and a duplicate mailed to the person who is responsible for the service to the property where the violation took place. The notice shall describe the violation and order that it be abated immediately.
3. For subsequent violations, the City will issue citations and fines according to the provisions of this Chapter.
4. Funds generated by the fines under this Section shall be used to mitigate the impact of the drought.

J. Variances from drought management plan

Variances to drought management plan provisions may be granted at the discretion of the City Manager or his or her designee. Applicants for a variance must apply in writing to the City Manager or his or her designee, and demonstrate special circumstances such as health and safety needs or obligation of contract.

K. Limited exemption to restrictions for users of reclaimed water

To the extent they are exempt from the drought management plan, users of reclaimed or recycled water shall clearly post notices stating that the water being used is not potable and not from the public drinking water supply, and is in conformance to the drought management plan in force at the time.

L. Violations

1. For a first violation of any provision of this chapter, the City shall issue a written notice of first violation and provide the violator with educational materials on water conservation, including a copy of the relevant provisions of this chapter. The City shall give the water user a reasonable period of time to correct the violation. Failure to correct the violation within a reasonable period of time shall constitute a second violation.
2. For a second violation of any provision of this chapter, the City shall issue a written notice of second violation to the water user imposing a fine in the amount not to exceed that outlined in the City of Adelanto Municipal Code and requiring immediate correction of the violation.
3. For a third violation of any provision of this section, the City shall issue a written notice of third violation to the water user imposing a fine in an amount not to exceed that outlined in the City of Adelanto Municipal Code and requiring immediate correction of the violation.
4. For a fourth or subsequent violation of this Section, the City shall impose a fine in an amount not to that outlined in the City of Adelanto Municipal Code. The fourth and each subsequent violation of this chapter shall be deemed a public nuisance, which may be abated pursuant to the procedures provided in the City of Adelanto Municipal Code.
5. Any fine imposed under this Section shall be collected in accordance with the procedures provided in the City of Adelanto Municipal Code. Failure to pay any portion of a water user's account, including any fines imposed pursuant to this Section, shall subject said account to termination of water service in accordance with the provisions of this Section.
6. In addition to the remedies set forth above, the City may seize equipment, line, fountains, and other devices which are operated in violation of this Chapter, until the fine is paid. The City may dispose of these items if the fine is not paid in six (6) months from the date the equipment was confiscated.

M. Right to hearing

Any water user against whom a penalty is levied under this chapter shall have a right to a hearing before the City Manager of the City Manager's designee.

**17.60.80 Approved Plant List**

CITY OF ADELANTO  
WATER CONSERVING PLANTS FOR THE HIGH DESERT

LEGEND: D = Drought Tolerant  
M = Moderate Water Use

1. Vines

M	Antigonon leptopus .....	Queen's Wreath
M	Campsis radicans.....	Trumpet Creeper
M	Gelsemium sempervirens .....	Carolina Jasmine
M	Hedera helix .....	English Ivy
M	Jasminum mesnyi .....	Yellow Jasmine
M	Lonicera japonica 'Halliana' .....	Hall's Honeysuckle
M/D	Macfadyena ungis-cati .....	Cat Claw Vine
M/D	Parthenocissus quinquefolia.....	Virginia Creeper
M	Rosa banksiae.....	Lady Bank's Rose
M	Wisteria floribunda.....	Japanese Wisteria

2. Ground

M/D	Acacia redolens .....	Prostrate Acacia
D	Atriplex semibacata.....	Salt Bush
M/D	Buccharis pilularis 'Twin Peaks' .....	Coyote Bush
D	Cerastium tomentosum.....	Snow-in-summer
M/D	Convolvulus mauritanicus.....	Ground Morning Glory
D	Dalea greggii.....	Trailing Indigo Bush
M	Euonymus fortunei.....	Winter Creeper
M/D	Festuca ovina glauca .....	Blue Fescue
M/D	Gazania rigens 'Copper King' .....	Gazania
M	Liriope muscari .....	Lily Turf
D	Oenothera berlandieri.....	Mexican Primrose
M	Ophiopogon japonicus .....	Mondo Grass
M/D	Pyrocantha coccinea 'Low Boy' .....	Firethorn
M/D	Teucrium chamaedrys .....	Germander
M/D	Verbena rigida.....	Verbena
M	Vinca major.....	Periwinkle
M	V. minor .....	Dwarf Periwinkle

3. Trees

D	Acacia constricta .....	Whitethorn Acacia
D	A. greggii .....	Catclaw Acacia
D	Ailanthus altissima .....	Tree of Heaven
M	Albizzia jullibrissin .....	Silk Tree/Mimosa
M/D	Arbutus unedoq .....	Strawberry Tree
M/D	Calocedrus decurrens .....	Insense Cedar
M	Cuarina stricta .....	Beefwood/She Oak
D	Catalpa speciosa.....	Western Catalpa
M	Chitalpa (Chiolopsis linearis X Catalpa bignonioides)	
M	Cedrus atlantica.....	Atlas Cedar

M	<i>C. deodora</i> .....	Deodar Cedar
D	<i>Celtis pallida</i> .....	Desert Hackberry
M/D	<i>C. reticulata</i> .....	Western Hackberry
D	<i>Cercidium Floridum</i> .....	Blue Palo Verde
D	<i>C. microphyllum</i> .....	Little Leaf Palo Verde
M/D	<i>Cercis occidentalis</i> .....	Western Redbud
M	<i>Chamaerops humilis</i> .....	Mediterranean Fan Palm
D	<i>Chilopsis linearis</i> .....	Desert Willow
D	<i>Cupressus arizonica</i> .....	Arizona Cypress
D	<i>Cotinus coggygria</i> .....	Smoke Tree
D	<i>Cupressus glabra</i> .....	Arizona Cypress
D	<i>C. sempervirens</i> .....	Italian Cypress
D	<i>Elaeagnus angustifolia</i> .....	Russian Olive
M	<i>Eriobotrya japonica</i> .....	Loquat
D	<i>Eucalyptus cinerea</i> .....	Silver Dollar Gum
D	<i>E. gunnii</i> .....	Cider Gum
D	<i>E. microtheca</i> .....	Coolibah Tree
D	<i>E. nicholii</i> .....	Willow Lead Peppermint
D	<i>E. pulverulenta</i> .....	Silver Mountain Gum
M/D	<i>Fraxinus velutina</i> .....	Arizona Ash
M/D	<i>F.v. 'Modesto'</i> .....	Modesto Ash
M/D	<i>F.v. 'Rio Grande'</i> .....	Fan-Tex Ash
D	<i>Fremontodendron californicum</i> .....	Flannel Bush
M	<i>Gleditsia triacanthos</i> .....	Honey Locust
M	<i>G.t. 'Sunburst'</i> .....	Sunburst
D	<i>Heteromeles arbutifolia</i> .....	Toyon/California Holly
M/D	<i>Koelreuteria paniculata</i> .....	Golden Rain Tree
M/D	<i>Lagerstromieia indica</i> .....	Crape Myrtle
M/D	<i>Melia azedarach</i> .....	Chinaberry
M	<i>Morus alba</i> .....	Fruitless Mullberry
M/D	<i>Nerium oleander</i> .....	Oleander
M/D	<i>Olea eruopaea</i> .....	European Olive
D	<i>Parkinsonia aculeata</i> .....	Mexican Palo Verde
M	<i>Photinia fraseri</i> .....	Fraser's Photinia
M/D	<i>Pinus eldarica</i> .....	Mondel Pine
M/D	<i>P. halepensis</i> .....	Aleppo Pine
M/D	<i>P. edulis</i> .....	Pinion Pine
M/D	<i>P. pinea</i> .....	Italian Stone Pine
M/D	<i>P. roxburghii</i> .....	Chir Pine
M/D	<i>P. thunbergiana</i> .....	Japanese Black Pine
D	<i>Pistachio atlantica</i> .....	Mt. Atlas Pistache
M	<i>Platanus acerfolia</i> .....	London Plane Tree
M	<i>R. pacemosa</i> .....	California Sycamore
D	<i>Prosopis species</i> .....	Mesquite
D	<i>Prunis ilicifolia</i> .....	Hollyleaf Cherry
M	<i>P. caroliniana</i> .....	Carolina Cherry
M.	<i>P. cerasifera 'Autopurpurea'</i> .....	Purple Leaf Plum
M	<i>P. persica</i> .....	Flowering Peach
M/D	<i>Punica granatum</i> .....	Pomegranate
M	<i>Pyrus kawakamii</i> .....	Evergreen Pear

D	<i>Quercus dumosa</i> .....	Scrub Oak
M	<i>Q. ilex</i> .....	Holly Oak
M	<i>Q. lobata</i> .....	Valley Oak
M	<i>Q. palustris</i> .....	Pin Oak
M	<i>Q. suber</i> .....	Cork Oak
M/D	<i>Robinia ambigua</i> 'Idahoensis'.....	Idaho Locust
D	<i>R. Pseudoacacia</i> .....	Black Locust
M	<i>Sambucus mexicana</i> .....	Mexican Elderberry
M	<i>Sequoiadendron giganteum</i> .....	Giant Sequoia
D	<i>Sophora secundiflora</i> .....	Texas Mountain Laurel
M/D	<i>Trachycarpus fortunei</i> .....	Windmill Palm
M/D	<i>Vauquelinia californica</i> .....	Rosewood
M/D	<i>Vitex agnus-castus</i> .....	Chaste Tree
M/D	<i>Washingtonia filifera</i> .....	California Fan Palm
M/D	<i>W. robusta</i> .....	Mexican Fan Palm
D	<i>Yucca brevifolia</i> .....	Joshua Tree
M/D	<i>Zelkova Serrata</i> .....	Japanese Zelkova
M/D	<i>Ziziphus jujuba</i> .....	Chinese Date

#### 4. Shrubs

M	<i>Abelia grandiflora</i> .....	Glossy Abelia
M	<i>A.g. 'Prostrata'</i> .....	Dwarf abelia
D	<i>Agave americana</i> .....	Century plant
D	<i>Aloe saponaria</i> .....	African Aloe
M/D	<i>Arctostaphylos hookerii</i> .....	Monterey Manzanita
D	<i>Atriplex canescens</i> .....	Four-wing Salt Bush
D	<i>A. lentiformis</i> .....	Quail Bush
D	<i>A.l. 'Breweri'</i> .....	Brewer's Saltbush
D	<i>Daccharis sarthroides</i> .....	Desert Broom
M	<i>Buxus microphylla</i> .....	Japanese Boxwood
D	<i>Caesalpinia gilliesii</i> .....	Desert Bird of paradise
D	<i>Calliandra eriophylla</i> .....	Fairy Duster
D	<i>Cassia Wislizeni</i> .....	Shrubby senna
D	<i>Cistus species</i> .....	Rockrose
M/D	<i>Convolvulus species</i> .....	Bush Morning Glory
D	<i>Cortaderia selloana</i> .....	Pampas Grass
M	<i>Cotoneaster horizontalis</i> .....	Rock Cotoneaster
M	<i>C. microphyllus</i> .....	Rockspray Cotoneaster
M	<i>C. lacteus</i> .....	Parney Cotoneaster
D	<i>Dasyliirion wheeleri</i> .....	Desert Spoon
D	<i>Dendromecon rigida</i> .....	Bush Poppy
D	<i>Elaeagnus pungens</i> .....	Silverberry
D	<i>Eriogonum species</i> .....	Buckwheat
M	<i>Euonymus Species</i> .....	Evergreen Euonymus
M	<i>Fatsia japonica</i> .....	Japanese Aralia
D	<i>Ferocactus species</i> .....	Barrel cactus
D	<i>Fouquieria splendens</i> .....	Ocotilla
D	<i>Hesperaloe englemanii</i> .....	Red Yucca
M/D	<i>Hibiscus syriacus</i> .....	Rose of Sharon
M	<i>Ilex cornuta</i> "Burfordii".....	Buford Holly

M/D	<i>Ilex vomitoria</i> .....	Yapon Holly
M/D	<i>Juniperus</i> species.....	Juniper
D	<i>Larrea tridentata</i> .....	Creosote Bush
D	<i>Lavendula</i> species.....	Lavender
D	<i>Leucophyllum frutescens</i> .....	Texas Ranger
M	<i>Ligustrum texanum</i> .....	Wax Leaf Privet
D	<i>Lycium</i> species.....	Desert Thorn
M/D	<i>Mahonia aquifolium</i> .....	Oregon Grape
M	<i>Myrtus communis</i> .....	True Myrtle
M	<i>M.c. Compacta</i> .....	Dwarf Myrtle
M	<i>M.c. 'Boetica'</i> .....	Twisted Myrtle
M/D	<i>Nandina domestica</i> .....	Heavenly Bamboo
M/D	<i>N.d. 'Nana'</i> .....	Dwarf Nandina
M/D	<i>Nerium oleander</i> .....	Oleander
D	<i>Opuntia</i> species.....	Prickley Pear and Cholla Cactus
M	<i>Osmanthus fragrans</i> .....	Sweet Olive
D	<i>Pennisetum</i> species.....	Fountain Grass
D	<i>Penstemon</i> species.....	Beard Tongue
M	<i>Photinia fraseri</i> .....	Fraser's Photinia
M	<i>P. serrulata</i> .....	Chinese Photinia
M	<i>Pittosporum tobira</i> .....	Mock Orange
M	<i>P.t. 'Wheeler's Dwarf'</i> .....	Wheeler's Dwarf
D	<i>Teucrium fruticans</i> .....	Bush Germander
M/D	<i>Puracantha</i> species.....	Firethorn
M	<i>Raphiolepis indica</i> .....	Indian Hawthorn
D	<i>Romneya coulteri</i> .....	Matilija Poppy
D	<i>Phus ovata</i> .....	Sugarbush
M/D	<i>Rosmarinus officinalis</i> .....	Bush Rosemary
M/D	<i>R. prostratus</i> .....	Dwarf Rosemary
D	<i>Santolina chamaecyparissus</i> .....	Lavender Cotton
D	<i>S. virens</i> .....	Green Santolina
D	<i>Salvia dorrii</i> .....	Mojave Sage
M/D	<i>Syringa vulgaris</i> .....	Common Lilac
D	<i>Yucca alofolia</i> .....	Spanish Bayonet
D	<i>Y. schidigera</i> .....	Mojave Yucca
D	<i>Y. Whipplei</i> .....	Our Lord's Candle
D	<i>Zauschneria californica</i> .....	California Fuchsia

(Ord. 441, January 2006)

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# **Appendix H**

Water Conservation Plan, Adelanto Municipal Code, Section 8.20

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## **CHAPTER 8.20 WATER CONSERVATION PLAN**

Sections:

- 8.20.010 Findings
- 8.20.020 Purpose
- 8.20.030 Water Regulations
- 8.20.040 Exceptions
- 8.20.050 Penalties; Fine
- 8.20.060 Violations of Chapter Declared a Nuisance

### **8.20.010 Findings.**

The City Council finds that by reason of the overdraft of the water table from which the City takes its domestic water supply, and because of the current problem existing with respect to the over use of the waste of water in connection with the irrigation of landscape and other outdoor vegetation, lawns and other growth, it is necessary to adopt and enforce a water conservation plan to conserve the water supplies of the City for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and it is the intent of the City Council to achieve at least an approximately ten percent (10%) reduction in water use.

### **8.20.020 Purpose.**

The City finds that certain water uses regulated or prohibited in this Chapter are non-essential and if allowed would constitute waste of water.

### **8.20.030 Water Regulations.**

A. No water user within the City shall knowingly make, cause, use, or permit the use of water for residential, commercial, industrial, agricultural or any other purpose in the manner contrary to any provision of this Chapter and the City's Landscape Water Conservation Ordinance.

B. All water users in the City shall abide by the following water conservation measures:

1. The use of water for any purpose shall not result in flooding or unnecessary runoff in gutters, driveways, streets or adjacent lands.
2. Lawns, trees, shrubs, and other landscaping shall not be watered beyond what they need for

growth and to sustain life, and water shall not be permitted to pool or to run off property onto streets or adjacent land.

3. Sidewalks, walkways, driveways, parking areas, patios, porches or verandas or any other like area shall not be washed off with water from hoses or by any other means. The exception to this shall be the washing of flammable or other similar dangerous substances that require direct hose flushing using recognized safety control measures for the benefit of the public health and safety. Notification to the City of such wash down is required.

4. Water, sprinkling, aerial watering or irrigating of any landscaped or vegetated areas, including lawns, trees, shrubs, grass, ground cover, plants, vines, gardens, vegetables, flowers, or other landscaping shall not occur between the hours of 9:00 a.m. and 6:00 p.m. during the months of April through September; provided, however, that these restrictions shall not apply to hand-held hose or drip irrigation systems or to establishment of new lawns, landscaping, or gardens.

5. Non-commercial washing of privately owned vehicles, trailers, motor homes, buses, boats and mobile homes is prohibited except from a bucket, and except that a hose equipped with an automatic shut-off nozzle may be used for a quick rinse.

6. Water shall not be used to clean, fill, operate or maintain levels in decorative fountains unless such water is for replenishment of a recycling system.

7. Water lines, faucets, and other facilities shall be maintained so that they do not leak water. Existing leaks shall be repaired in a timely manner.

8. Restaurants, other food establishments, or other public places where food is served, shall not routinely provide glasses of drinking water to customers unless specifically requested by the customer.

9. Water for construction purposes including, but not limited to, debrushing of vacant land, compaction of fills and pads, trench backfill and other construction uses, shall be used in an efficient manner. The use of aerial type sprinklers is not recommended but, if used, shall not be operated between the hours of 9:00 a.m. and 6:00 p.m.

10. All new residential, commercial and industrial construction shall be equipped with low-flush toilets and low-flow showers and faucets.

11. Water used for cooling systems must be recycled to the extent possible.

12. Evaporation resistant covers are required for all new swimming pools and hot tubs and are encouraged to be installed for existing pools. The covers required by this Chapter shall, at the time of purchase, installation and all subsequent maintenance, meet or exceed current standards and specifications for swimming pool, spa and hot tub covers adopted by the American Society for Testing and Materials (ASTM).

13. Hotels/motels are required to post a notice in substantially the form provided by the City urging guests to conserve water.

14. All current and future water customers are encouraged to install flow restrictors or pressure reducers and to install toilet tank displacement devices (dams, bottles or bags), and as appliances or fixtures wear out, replace them with water-saving models.

15. Parks, schools, golf courses, cemeteries, school grounds and all public use lands shall not irrigate between the hours of 9:00 a.m. and 6:00 p.m. during the months of April through September inclusive and

are encouraged to use water conservation irrigation equipment.

16. The use of drought tolerant or native plant material is encouraged for exterior landscaping in all new residential construction, and required for new commercial and industrial construction.

17. The use of low precipitation sprinkler heads, bubblers, drip irrigation and timing devices are required in the exterior landscaping in all new residential, commercial and industrial construction.

18. At least fifty percent (50%) of all new model homes shall include as a part of the exterior landscape development low water use, drought-tolerant or native plants.

19. Projects, including Commercial and Planned Unit Developments, which utilize recycled water from sewage treatment or agricultural operations, may receive an exemption from Subsections 15. through 18. of this Section by approval of the City Council.

#### **8.20.040 Exceptions.**

The prohibited or restricted uses of water under this Chapter shall not be applicable in those instances when the City Manager or his/her designee finds: (1) the use is essential to avoid an undue hardship for a water user; (2) special circumstances exist for a particular water user, as distinguished from other water users, which justify allowing an exception; (3) the use is essential for required government or public utility services, including but not limited to police protection, fire protection, sanitation, and other critical or emergency services; or (4) the use is essential to maintain the public health and safety.

#### **8.20.050 Penalties; Fine.**

A. Any person who violates any provision or who fails to comply with any of the requirement of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of Chapter 1.20 of this Code.

B. In addition to, and separate from the criminal sanctions set forth above, the first violation of provisions regarding storage, placement and removal of residential solid waste containers and receptacles (Sections 8.01.100.B. and 8.01.310.J.) shall receive a written warning; for subsequent violations at the same address, a twenty dollar (\$20.00) civil fine shall be imposed and collected through the Water and Sanitation bill.

#### **8.20.060 Violations of Chapter Declared a Nuisance.**

All violations of any portion of this Chapter are declared to be a public nuisance and may be abated as such in the manner provided by law and pursuant to Chapters 1.20 and 8.25 of this Code.

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