

EXHIBIT 4

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 23 2015

J. Castillo

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JUN 26 2015
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CITY OF BARSTOW,
Plaintiff,

vs.

CITY OF ADELANTO,
Defendant

Case No.: CIV 208568

ORDER GRANTING MOTION TO ADJUST
FREE PRODUCTION ALLOWANCE FOR
WATER YEAR 2015-2016

AND RELATED CROSS ACTIONS

The above-entitled action came on regularly for hearing on May 29, 2015, before the Honorable Gloria Connor Trask, Judge presiding, on the motion of defendant/cross-complainant MOJAVE WATER AGENCY, acting in its capacity as Watermaster, pursuant to the Judgment entered January 10, 1996, Paragraph 24(o), seeking an adjustment in Free Production Allowance. William J. Brunick, Brunick McElhaney & Kennedy PLC appeared on behalf of the Mojave Water Agency. Derek Hoffman, Gresham Savage Nolan & Tilden appeared on behalf of Mitsubishi Cement Corporation and Silver Lakes Association. Piero Dallarda, Best Best & Krieger LLP appeared on behalf of Eldert Van Dam, Susan J. Van Dam, and Alan L. Delong. Marilyn Levin, Deputy Attorney General, Office of the Attorney General of the State of California

ORDER GRANTING MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2015-2016

1 appeared on behalf of the California Department of Fish and Wildlife. The court having
2 reviewed and considered the moving and opposing papers and the arguments of counsel, and
3 good cause appearing, hereby GRANTS the motion on the following terms as to the Subareas
4 defined in the Judgment of January 10, 1996 for the Water Year 2015-16:

5 **ALTO SUBAREA**

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- 7 1. Free Production Allowance ("FPA") shall remain at 80% of Base Annual Production
8 ("BAP") for Agricultural producers.
 - 9 2. FPA shall remain at 60% of BAP for Municipal and Industrial producers.

10 **BAJA SUBAREA**

- 11 1. Rampdown shall occur reducing FPA from 55% to 50% of BAP for all producers for
12 2015-2016 Water Year.

13 **CENTRO SUBAREA**

- 14 1. FPA shall remain at 80% of BAP for all producers.

15 **ESTE SUBAREA**

- 16 1. Rampdown is deferred and FPA shall continue to remain at 80% of BAP for all
17 producers. However, deferred Rampdown could be implemented upon further notice
18 of the court following Watermaster's request and motion seeking court approval
19 which could result in FPA being reduced to the level required by the Judgment at the
20 time the motion is made.

21 **OESTE SUBAREA**

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- 23 1. FPA shall remain at 80% of BAP for Agricultural producers.
 - 24 2. Rampdown shall remain at 60% of BAP for Municipal and Industrial Producers, with
25 the reduction to 60% held in abeyance at 80% of BAP.

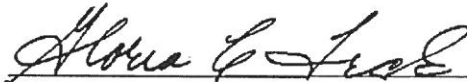
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1 Watermaster shall review annual conditions in all subareas and continue to report to the
2 Court and make recommendations as appropriate.

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5 IT IS SO ORDERED,

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7 Date: 6/22/15
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11 GLORIA CONNOR TRASK,
12 Judge of the Superior Court
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Tentative Rulings for May 29, 2015 Department 1

To request oral argument, you must notify Judicial Secretary Cameo M. Gallo at (760) 904-5722 and inform all other counsel no later than 4:30 p.m.

This court follows California Rules of Court, Rule 3.1308 (a) (1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law & motion matter are posted on the Internet by 3:00 p.m. on the court day immediately before the hearing at <http://www.riverside.courts.ca.gov/tentativerulings.shtml>. If you do not have Internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, not later than 4:30 p.m. on the court day before the hearing you must (1) notify the judicial secretary for Department 1 at (760) 904-5722 and (2) inform all other parties. If no request for oral argument is made by 4:30 p.m., the tentative ruling **will become the final ruling** on the matter effective the date of the hearing.

Unless otherwise noted, the prevailing party is to give notice of the ruling.

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CIV208568	CITY OF BARSTOW VS CITY OF ADELANTO	MOTION TO/FOR ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2015-2016 BY THE MOJAVE WATER AGENCY
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Tentative Ruling:

The Court's tentative decision is as follows:

As to the Alto Subarea, the Watermaster's recommendation is adopted and FPA maintained at the same level as the previous water year, 80% of BAP for Agriculture and 60% of BAP for Municipal and Industrial.

As to the Centro and Este Subareas, the Watermaster's recommendation is adopted and FPAs maintained at the same levels as the previous water year, 80% of BAP.

As to the Oeste Subarea, the Watermaster's recommendation is adopted and FPAs maintained at the same level as the previous water year, 80% of BAP for Agriculture and 60% of BAP for Municipal and Industrial, with implementation of the 60% of BAP for Municipal and Industrial held in abeyance and actual FPA remaining at 80% of BAP. As the Oeste Subarea is still in a state of overdraft, the court requests that the recommendation for water year 2016-2017 from the Watermaster include further explanation of the stage at which the Watermaster is at in developing a long-term plan for implementing measures to achieve sustainability that takes into account all factors

causing overdraft, including Well 14, even if the recommendation for water year 2016-2017 is to maintain FPAs at current levels.

As to the Baja Subarea, the court considered the following proposals that have been made: an immediate Rampdown of 20%, a differentiated Rampdown, a Rampdown of 5%, a Rampdown of 2.5%, and no Rampdown until agricultural producers have implemented further conservation measures. The court finds that an immediate Rampdown of 20% is prohibited by the Judgment. Judgment, ¶20(o). The court finds that a differentiated Rampdown is prohibited by the Judgment. Judgment, ¶23(a). In the alternative, the court finds that a differentiated Rampdown would fail to achieve sustainability more efficiently, would fail to impose the costs of the Rampdown in an equitable manner, would fail to provide relief to the Minimal Producers whose injuries are being caused by the depletion of water resources and not by the implementation of a Rampdown on producers with less than 100 acre-feet of production per year, and thus would not be appropriate even if allowable under the Judgment. The court finds that delaying implementation of any Rampdown until agricultural producers have implemented further conservation measures is not appropriate as this proposal fails to achieve sustainable groundwater levels within a definite time period and fails to provide incentive to the agricultural producers in the Subarea to implement such measures, while implementation of a Rampdown will provide an incentive to implement these measures by increasing the value of tradable rights to pump excess water. The court requests oral argument as to whether to implement a 2.5% or 5% Rampdown in the Baja Subarea.