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EXEMPT FROM FILING FEES
PER GOV'T. CODE § 6103

2 BRUNICK, McELHANEY, BECKETT, DOLEN & KENNEDY PLC

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

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JUN 14 2011

6 Attorneys for Defendant/Cross-Complainant
7 MOJAVE WATER AGENCY

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

10
11 CITY OF BARSTOW, et al.
12 Plaintiff,

CASE NO.: CIVVS 208568

13 vs.

14 CITY OF ADELANTO, et al.,
15 Defendant.

WATERMASTER RESPONSE TO
MOTION FOR REVIEW OF
WATERMASTER DECISION PURSUANT
TO 1996 JUDGMENT AFTER TRIAL

Assigned for All Purposes to:
Dept. 1

16
17 AND RELATED CROSS-ACTIONS.
18

Date: June 27, 2011
Time: 8:30 a.m.
Dept.: 12

19
20 Respondent, the Mojave Water Agency, acting as Watermaster under the 1996 Judgment After
21 Trial entered in this action on January 10, 1996, submits this response to the motion of JPMorgan Chase
22 Bank, N.A., California Reconveyance Company, and Bank of America (collectively, "Moving Parties"),
23 to review the Watermaster's April 8, 2011, decision not to process at this time Moving Parties' request
24 for transfer of certain water rights.

25 I.

26 INTRODUCTION

27 In substance, Moving Parties claim that, as the result of a nonjudicial foreclosure sale at which
28

WATERMASTER RESPONSE TO MOTION FOR REVIEW OF WATERMASTER DECISION
PURSUANT TO 1996 JUDGMENT AFTER TRIAL

1 the Bank of America (“the Bank”) purchased real property subject to the Judgment entered in this action
2 (“the Property”), all water rights associated with the Property should be transferred to the Bank. Moving
3 Parties acknowledge, however, that a dispute exists as to ownership of the referenced water rights, and
4 such dispute is presently being litigated in a separate Superior Court action, titled *Lounsbury v. Bank*
5 *of America*, Case No. CIVVS1000946. Therein, plaintiffs John Peter Lounsbury and Carolyn Joy
6 Lounsbury contend that they, not the Bank, own the water rights. Trial in that action is scheduled to
7 commence on October 31, 2001, in Department V9 of the Superior Court in Victorville, California.

8 Notwithstanding such pending litigation to resolve the ownership dispute, Moving Parties herein
9 request that this “Court should find that the Bank owns the water rights at issue as the owner of the
10 subject property and as successor in interest under the Judgment.” (See Mot., 5:22-23.)

11 Because a lawsuit is pending between the interested parties to determine their competing claims
12 to ownership of the water rights, the Watermaster’s decision not to process the Bank’s transfer
13 application until after that litigation is resolved, was appropriate and reasonable. Therefore, Moving
14 Parties’ motion herein to review and reverse the Watermaster’s decision should be denied.

15 II.

16 **OWNERSHIP OF THE DISPUTED WATER RIGHTS WILL BE DETERMINED IN A** 17 **RELATED ACTION**

18 Moving Parties acknowledge that, “On February 16, 2010, the Lounsburys filed suit against the
19 Bank in connection with the water rights . . . , claiming ownership over such rights . . . The Lounsburys’
20 civil action, case no. CIVVS 1000946, is **currently pending in the San Bernardino Superior Court.**”
21 (Mot., 5:1-4; bold print added).

22 Attached as Exhibit A hereto is a true copy of the Court’s register relating to that action, which
23 shows that trial is scheduled to begin therein on October 31, 2011.

24 In light of the pending litigation over ownership of the disputed water rights, the Watermaster’s
25 decision not to process the Bank’s transfer application until after that dispute is finally resolved in the
26 Superior Court was appropriate.

27 Subparagraph G of paragraph 13 of the Watermaster’s Rules and Regulations demonstrates that
28 the Watermaster is not generally an adjudicator of disputed water rights. Subparagraph G provides that

1 where a "dispute" arises after a partial or total transfer of Based Annual Production Rights and the
2 parties' rights cannot "be clearly discerned to the satisfaction of the Watermaster, a transfer shall **not**
3 be processed and the factual information **shall be referred to the Court for resolution.**" (See Mot.,
4 Exhibit "B," page 16; bold print added.) Moreover, in this case, the interested parties' water rights
5 dispute was already pending in the Superior Court when the Watermaster determined not to process the
6 transfer application until after resolution of that pending litigation. Under these circumstances, the
7 Watermaster's action was both prudent and reasonable.

8 In this same connection, paragraph 3 of Exhibit F to the Judgment entered herein provides that:
9 "No transfer shall become operable until the Parties to the transfer have **jointly** notified Watermaster
10 of the terms and conditions of the transfer . . ." (See Mot., Exhibit A, page F-2, lines 1-3; bold print
11 again added.) This **joint** notification requirement confirms further that the Watermasters is not to be an
12 adjudicator of disputed ownership claims.

13 Such disputes are best resolved by application to the Superior Court where they can be properly
14 adjudicated.

15 **IV.**

16 **CONCLUSION**

17 The Watermaster's decision not to process the Bank's application for transfer of water rights
18 until resolution of the pending litigation regarding ownership of such water rights was prudent and
19 reasonable. Accordingly, this Court should deny Moving Parties' motion for review of the
20 Watermaster's decision, and allow the Superior Court in the related action to resolve the parties'
21 competing water rights claims.

22 Dated: June 13, 2011

**BRUNICK, McELHANEY, BECKETT, DOLEN &
KENNEDY PLC**

23
24 By: 

25 WILLIAM J. BRUNICK
26 LELAND P. McELHANEY
27 Attorneys for Defendant/Cross-complainant,
28 MOJAVE WATER AGENCY

EXHIBIT A



Actions



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Case CIVVS1000946 - LOUNSBURY VS BANK OF AMERICA

Viewed	Date	Action Text	Disposition	Image
	10/31/2011 10:00 AM DEPT. V9	JURY TRIAL -- ESTIMATED TRIAL LENGTH HOURS. - Minutes		
	10/27/2011 8:30 AM DEPT. V9	READINESS CALENDAR - Minutes		
	09/16/2011 8:30 AM DEPT. VCR	MANDATORY SETTLEMENT CONFERENCE - Minutes		
	06/14/2011 8:30 AM DEPT. V9	MOTION RE: FOR SUMMARY JUDGMENT/ADJUDICATION (3/2/11 STIP/ORDER) FILED BY DEFENDANT BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK - Minutes		
	06/14/2011 8:30 AM DEPT. V9	MOTION RE: SUMMARY ADJUDICATION OF THE 1ST CAUSE OF ACTION (3/2/11) FILED BY PLAINTIFF JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY - Minutes		
	06/07/2011	LM HAS VOL 1,3-7	Not Applicable	
	05/24/2011	NOTICE OF HEARING FILED BY JPMORGAN CHASE BANK.	Not Applicable	
	05/23/2011	PROOF OF SERVICE OF PLA'S NOTICE OF HEARING RE: MOTION FOR SUMMARY BY MAIL ON 05/23/11 AS TO ALVARADOSMITH, FILED.	Not Applicable	
	05/23/2011	PLAS OPPOSITION TO NOTICE OF REOKATED CASE FILED BY DEFT FILED.	Not Applicable	
	05/23/2011	NOTICE OF HEARING ON MOTION FOR	Not	

		SUMMARY ADJUDICATION FILED.	Applicable	
	05/19/2011	NOTICE OF HEARING FILED BY JPMORGAN CHASE BANK.	Not Applicable	
	05/17/2011 8:30 AM DEPT. V9	MOTION RE: FOR SUMMARY JUDGMENT/ADJUDICATION (3/2/11 STIP/ORDER) FILED BY DEFENDANT BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK - <u>Minutes</u>	Continued	
	05/17/2011 8:30 AM DEPT. V9	MOTION RE: SUMMARY ADJUDICATION OF THE 1ST CAUSE OF ACTION (3/2/11) FILED BY PLAINTIFF JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY - <u>Minutes</u>	Continued	
	05/12/2011	REPLY FOR 5/17/11 L&M RECEIVED BY LR.	Not Applicable	
	05/12/2011	REPLY OF JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY TO MOTION FOR SUMMARY ADJUDICATION FILED	Not Applicable	
	05/12/2011	REPLY FOR 5/17/11 L&M RECEIVED BY LR.	Not Applicable	
	05/11/2011	NOTICE OF RELATED CASE FILED BY JPMORGAN CHASE BANK.	Not Applicable	
	05/11/2011	REPLY TO PLAS OPPOSITION TO DEFT MOTION FOR SUMMARY ADJUDICATION FILED.	Not Applicable	
	05/04/2011	(5)OP DOCS FOR 5/17/11 MSJ RECEIVED BY LR.	Not Applicable	
	05/03/2011	APPENDIX OF EVIDENCE IN SUPPORT OF JOHN PETER & CAROLYN LOUNSBURY OPPOSITION TO DEFT MOTION FILED.	Not Applicable	
	05/03/2011	PROOF OF SERVICE OF MEMORANDUM IN OPPOSITION/ RESPONSE/DECL/RJN BY OVERNIGHT ON 05/03/11 AS TO ALVARDOSMITH, FILED.	Not Applicable	
	05/03/2011	REQUEST FOR JUDICIAL NOTICE FILED.	Not Applicable	
	05/03/2011	DECLARATION OF SANTINO M TROPEA IN SUPPORT OF JOHN PETER & CAROLY FILED	Not Applicable	
	05/03/2011	PLAS RESPONSE TO DEFT SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF IT MOT FILED.	Not Applicable	
	05/03/2011	PLAS MEMORANDUM IN OPPOSITION TO DEFT MOTION FOR SUMMARY JUDGMENT OR IN THE ALTER SUMMARY AD FILED.	Not Applicable	

	05/03/2011	OP FOR 5/17/11 MSAI RECEIVED BY LR.	Not Applicable	
	05/03/2011	DEFTS APPENDIX OF EVIDENCE IN OPPOSITION TO PLAS MOTION FOR SUMMARY ADJUDICATION FILED.	Not Applicable	
	05/03/2011	DECLARATION OF GREG SNARR IN SUPPORT OF DEFT OPPOSITION FILED	Not Applicable	
	05/03/2011	REQUEST FOR JUDICIAL NOTICE FILED.	Not Applicable	
	05/03/2011	DEFTS SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN OPPOSITION TO PLAS MOTION FILED.	Not Applicable	
	05/03/2011	DEFT MEMORANDUM IN OPPOSITION TO PLAS MOTION FOR SUMMARY ADJUDICATION FILED.	Not Applicable	
	04/26/2011 8:30 AM DEPT. V9	MOTION RE: SUMMARY JUDGMENT (2/4/11) FILED BY DEFENDANT BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK	VACATED	
	03/14/2011	STIPULATION AND ORDER RE: CONT DEADLINE TO ATTEND AND COMPLETE MEDIATION SIG FILED.	Not Applicable	
	03/10/2011	FILING FEE PAID BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY FOR STIP/PROPOSED ORDER	Not Applicable	
	03/10/2011	FEE PAYMENT	Not Applicable	
	03/03/2011	VACATE L&M HEARING SCHEDULED FOR 04/26/11 AT 08:30 IN DEPARTMENT V9.	Not Applicable	
	03/02/2011	APPENDIX OF EVIDENCE IN SUPPORT OF MT * FILED.	Not Applicable	
	03/02/2011	DECLARATION OF SANTINO M. TORPEA IN SUPPORT OF MSJ FILED	Not Applicable	
	03/02/2011	SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MSJ FILED.	Not Applicable	
	03/02/2011	REQUEST FOR JUDICIAL NOTICE FILED.	Not Applicable	
	03/02/2011	POINTS & AUTHORITIES FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY.	Not Applicable	
	03/02/2011	MOTION RE: SUMMARY JUDGMENT FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY.	Not Applicable	

	03/02/2011	PROPOSED ORDER PLACED IN FILE	Not Applicable	
	03/02/2011	PROOF OF SERVICE OF MSJ; P&A; RJN; SEP STATEMENT; DECL; APPENDIX BY OVERNIGHT DELIVERY ON 03/01/11 AS TO THIERRY R MONTOYA/ ALVARADO, FILED.	Not Applicable	
	03/02/2011	STIPULATION AND ORDER RE: CONTINUE MOTION FOR SUMMARY JUDGMENT SIGNED & FILED.	Not Applicable	
	02/14/2011	FEE PAYMENT	Not Applicable	
	02/04/2011	REQUEST FOR JUDICIAL NOTICE FILED.	Not Applicable	
	02/04/2011	SEPARATE STATEMENTS IN SUPPORT OF MSJ * FILED.	Not Applicable	
	02/04/2011	MOTION RE: SUMMARY JUDGMENT FILED BY CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK.	Not Applicable	
	12/01/2010	REMOVE ATTORNEY ADORNO YOSS ALVARADO & SMITH FROM CASE.	Not Applicable	

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Case CIVVS1000946 - LOUNSBURY VS BANK OF AMERICA

Move To This Date

Viewed	Date	Action Text	Disposition	Image
	12/01/2010	ON 1ST AMENDED COMPLAINT (UNLIMITED) OF JOHN LOUNSBURY FOR BANK OF AMERICA, NATIONAL ASSOCIATION, JPMORGAN CHASE BANK, ATTORNEY ADORNO YOSS ALVARADO & SMITH ADDED.	Not Applicable	
	12/01/2010	NOTICE OF CHANGE OF FIRM ADDRESS AND ATTORNEYS FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION, JPMORGAN CHASE BANK.	Not Applicable	
	11/30/2010	NOTICE OF RULING ON CMC 11/18/10 FILED.	Not Applicable	
	11/18/2010 8:30 AM DEPT. V9	FURTHER CASE MANAGEMENT CONFERENCE - Minutes	Pre-D Complete	
	11/16/2010	NOTICE OF CHANGE OF FIRM NAME FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK.	Not Applicable	
	11/04/2010	CASE MANAGEMENT CONFERENCE STATEMENT FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY.	Not Applicable	
	11/03/2010	CASE MANAGEMENT CONFERENCE STATEMENT FILED BY JPMORGAN CHASE BANK.	Not Applicable	
	10/15/2010	ANSWER FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION; PARTY REPRESENTED BY ADORNO YOSS ALVARADO & SMITH.	Not Applicable	
		ANSWER FILED BY JPMORGAN CHASE		

	10/14/2010	BANK; PARTY REPRESENTED BY ADORNO YOSS ALVARADO & SMITH.	Not Applicable	
	10/14/2010	ANSWER FILED BY CALIFORNIA RECONVEYANCE COMPANY; PARTY REPRESENTED BY ADORNO YOSS ALVARADO & SMITH.	Not Applicable	
	09/17/2010	VOL 1,2 RECD FRM BRSTW FILED ON SHELF	Not Applicable	
	09/15/2010	VOL 1 & 2 SENT TO VICTORVILLE BY COURIER	Not Applicable	
	09/14/2010 8:30 AM DEPT. B3	MOTION RE: DEMURRER (070210) FILED BY DEFENDANT BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK - <u>Minutes</u>	Sustained	
	09/10/2010	VOL 1 & 2 RCVD IN BARSTOW	Not Applicable	
	09/09/2010	REPLY FOR 9/14/10 L&M RECEIVED BY LR.	Not Applicable	
	09/07/2010	REPLY OF BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK TO OPPO TO DEMURRER FILED	Not Applicable	
	09/01/2010	(2)OP DOCS FOR 9/14/10 L&M RECEIVED BY LR.	Not Applicable	
	08/31/2010	PROOF OF SERVICE OF REQ FOR JUDICIAL NOTICE IN SUPPOR & OPPOP BY MAIL ON 08/31/10 AS TO ADORNO YOSS AND SMITH, FILED.	Not Applicable	
	08/31/2010	OPPOSITION TO MOTION TO/FOR DEMURRER FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY	Not Applicable	
	08/31/2010	REQUEST FOR JUDICIAL NOTICE FILED.	Not Applicable	
	07/29/2010 8:30 AM DEPT. V9	CASE MANAGEMENT CONFERENCE - <u>Minutes</u>	Pre-D Complete	
	07/14/2010	CASE MANAGEMENT CONFERENCE STATEMENT FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK, ALL PERSONS UNKNOWNCLAIMING ANY LEGAL OR.	Not Applicable	
		CASE MANAGEMENT CONFERENCE	Not	

	07/14/2010	STATEMENT FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY.	Applicable	
	07/07/2010	FEE PAYMENT	Not Applicable	
	07/02/2010	REQUEST FOR JUDICIAL NOTICE FILED.	Not Applicable	
	07/02/2010	DEMURRER FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK; REPRESENTED BY ADORNO YOSS ALVARADO & SMITH	Not Applicable	
	06/14/2010	AMENDED COMPLAINT FILED -- AMENDING 1ST AMENDED COMPLAINT (UNLIMITED) OF JOHN LOUNSBURY	Not Applicable	
	06/01/2010 8:30 AM DEPT. V9	OSC RE: SERVICE COMPLETION	VACATED	
	05/28/2010	ON COMPLAINT (UNLIMITED) FILED 02/16/2010 OF JOHN LOUNSBURY, NATIONAL ASSOCIATION REMOVED AS A PARTY.	Not Applicable	
	05/26/2010	AMENDED SUMMON ISSUED AND * FILED.	Not Applicable	
	05/14/2010	FILE RECD FROM BARSTOW/FILE BACK	Not Applicable	
	05/12/2010	FILE SENT TO VICTORVILLE BY COURT COURIER	Not Applicable	
	05/11/2010	NOTICE OF RULING RE: DEFT DEMURRER TO PLA VERIFIED CMLPT FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK.	Not Applicable	
	05/11/2010 8:30 AM DEPT. B3	MOTION RE: DEMURRER (03/22/10) FILED BY DEFENDANT BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK - <u>Minutes</u>	Overruled	
	05/05/2010	REPLY FOR 5/11/10 L&M RECEIVED BY LR.	Not Applicable	
	05/04/2010	REPLY OF BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK TO OPPOSITION TO DEMURRER FILED	Not Applicable	
	04/29/2010	(2)OP DOCS FOR 5/11/10 L&M RECEIVED BY LR.	Not Applicable	

04/28/2010	DECLARATION RE: IN SPRT OF OPPO TO DEMURRER FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY	Not Applicable	
04/28/2010	OPPOSITION TO MOTION TO/FOR DEMURRER FILED BY JOHN PETER LOUNSBURY, CAROLYN JOY LOUNSBURY	Not Applicable	
03/22/2010	REQUEST RE: JUDICIAL NOTICE FILED.	Not Applicable	
03/22/2010	DEMURRER FILED BY BANK OF AMERICA, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK; REPRESENTED BY ADORNO YOSS ALVARADO & SMITH	Not Applicable	
03/01/2010	PROOF OF SERVICE OF SUMMONS AND COMPLAINT FILED AS TO CALIFORNIA RECONVEYANCE COMPANY. PARTY SERVED ON 02/18/10. TYPE OF SERVICE IS PERSONAL. WITH FEES OF \$69.00.	Not Applicable	
03/01/2010	PROOF OF SERVICE OF SUMMONS AND COMPLAINT FILED AS TO JPMORGAN CHASE BANK. PARTY SERVED ON 02/18/10. TYPE OF SERVICE IS PERSONAL. WITH FEES OF \$79.00.	Not Applicable	
03/01/2010	PROOF OF SERVICE OF SUMMONS AND COMPLAINT FILED AS TO BANK OF AMERICA, NATIONAL ASSOCIATION. PARTY SERVED ON 02/18/10. TYPE OF SERVICE IS PERSONAL. WITH FEES OF \$69.00.	Not Applicable	
02/22/2010	FEE PAYMENT	Not Applicable	
02/16/2010	SUMMONS ISSUED AND FILED	Not Applicable	
02/16/2010	CASE ASSIGNED FOR ALL PURPOSES TO DEPARTMENT V9		
02/16/2010	COMPLAINT AND PARTY INFORMATION ENTERED	Not Applicable	
02/16/2010	ON THE COMPLAINT (UNLIMITED) FILED 02/16/2010 OF JOHN LOUNSBURY, NATIONAL ASSOCIATION, CALIFORNIA RECONVEYANCE COMPANY, JPMORGAN CHASE BANK, ALL PERSONS UNKNOWNCLAIMING ANY LEGAL OR IS ADDED AS A DEFENDANTS.	Not Applicable	

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PROOF OF SERVICE

**STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}**

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California.

On June 14, 2011, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

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

WATERMASTER RESPONSE TO MOTION FOR REVIEW OF WATERMASTER DECISION PURSUANT TO 1996 JUDGMENT AFTER TRIAL

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 14, 2011 at Apple Valley, California.



Valerie Wiegenstein

Mojave Basin Area Watermaster's Service List as of June 14, 2011

Abbott Family Trust
Box 77 Star Route
Oro Grande, CA 92368
Attn: Buck Abbott

Abengoa Solar, Inc. (via email)
11500 West 13th Ave
Lakewood, CO 80215-4406
Attn: Christopher B. Hansmeyer
(Christopher.Hansmeyer@solar.abengoa.com)

Abshire, David V.
P.O. Box # 2059
Lucerne Valley, CA 92356-2059
Attn: John McCallum

Adelanto, City Of (via email)
P. O. Box 10
Adelanto, CA 92301
Attn: John Sponsler
(Jsponsler@ci.adelanto.ca.us)

Ades, John and Devon (via email)
(DevonAdcs@verizon.net)

Aerochem, Inc. (via email)
HCR Box 80A, 4001 El Mirage Road
Adelanto, CA 92301-0040
Attn: Kent T. Christenson
(Kchristensen@ducommun.com)

Agcon, Inc. (via email)
17671 Bear Valley Road
Hesperia, CA 92345
Attn: Lori Clifton
(lclifton@robarenterprises.com)

Ake, Charles J. and Marjorie M.
2301 Muriel Drive, Apt. 67
Barstow, CA 92311-6757

Aldersley, Lynn M.
27475 Ynex Road #153
Temecula, CA 92591-4612

American States Water Company
1920 W. Corporate Way
Anaheim, CA 92801-5373
Attn: Ana Chavez

Anderson, Ross C. and Betty J.
13853 Oakmont Dr.
Victorville, CA 92395-4832

Apple Valley Country Club
15200 Rancherias Road
Apple Valley, CA 92307-5201
Attn: Nick Hanson

Apple Valley Foothill County Water District
P. O. Box 914
Apple Valley, CA 92308-0914
Attn: Brenda Bitonti

Apple Valley Heights County Water District
9429 Cerra Vista
Apple Valley, CA 92308-9005
Attn: Gail Hunter

Apple Valley Ranchos Water Company (via email)
P. O. Box 7005
Apple Valley, CA 92307
Attn: Scott Weldy (scott@avrwater.com)

Apple Valley View Mutual Water Company
P.O. Box 3680
Apple Valley, CA 92307
Attn: Emely and Joe Saltmeris

Apple Valley, Town Of
14955 Dale Evans Parkway
Apple Valley, CA 92307-3061
Attn: Lance Miller

Aqua Capital Management, LP (via email)
444 Regency Parkway Dr. Suite 300
Omaha, NE 68114-3779
Attn: David L. Penrice
(dpenrice@acmwater.com)

Aqua Capital Management, LP-Agriculture
(via email)
444 Regency Parkway Dr. Suite 300
Omaha, NE 68114-3779
Attn: David L. Penrice
(dpenrice@acmwater.com)

Aqua Capital Management, LP-Industrial (via email)
444 Regency Parkway Dr. Suite 300
Omaha, NE 68114-3779
Attn: David L. Penrice
(dpenrice@acmwater.com)

Arguelles, Alfredo
48001 Silver Valley Road
Newberry Springs, CA 92365
Attn: Angel Arguelles

Atchison, Topeka, Santa Fe Railway
Company (via email)
200 North Avenue H
Barstow, CA 92311-2553
Attn: Dean Forshee (Dean.Forshee@bnsf.com)

Atchison, Topeka, Santa Fe Railway Company
200 North Avenue H
Barstow, CA 92311-2553
Attn: Dean Forshee

Avila, Angel and Evalia
P.O. Box 1723
Lucerne Valley, CA 92356-

Bailey 2007 Living Revocable Trust, Sheré R.
(via email)
9701 Wilshire Blvd., 10th Floor
Beverly Hills, CA 90212-2010
Attn: Sheré R. Bailey
(BaileyLawOffice@yahoo.com)

Bank of America, National Association
1 MacArthur Place, Ste. 200
Santa Ana, CA 92707-5941
Attn: c/o AlvaradoSmith, APC,

Bar H Mutual Water Company (via email)
P.O. Box 844
Lucerne Valley, CA 92356-0844
Attn: Michael Mercurio
(barhwater@gmail.com)

Barber, James B.
43774 Cottonwood Road
Newberry Springs, CA 92365

Bar-Len Mutual Water Company
P. O. Box 77
Barstow, CA 92312-0077
Attn: Bill Davis

Baron, Susan and Palmer, Curtis
17618 Osbourne Ave
Chino Hills, CA 91709-3216
Attn: Curtis Palmer

Mojave Basin Area Watermaster's Service List as of June 14, 2011

Barstow, City of (via email)
220 East Mountain View Street -Suite A
Barstow, CA 92311
Attn: Ronald O. Rector
(rrector@barstowca.org)

Bass Trust, Newton T.
14924 Chamber Lane
Apple Valley, CA 92307
Attn: Barbara Davison

Bastianon Revocable Trust
9484 Iroquois Rd.
Apple Valley, CA 92308
Attn: Remo E. Bastianon

Basura Family Trust
9776 Zepher Court
Apple Valley, CA 92308
Attn: Russell Cooper

Bedingfield, Lyndell and Charlene
43434 Cottonwood Road
Newberry Springs, CA 92365
Attn: Jeffrey P. McDonnell

Beebe, Robert W. and Dorothy K.
10111 Choicana
Hesperia, CA 92345

Beinschroth Family Trust
18794 Sentenac Road
Apple Valley, CA 92307-5342
Attn: A. J. Beinschroth

Beinschroth, A. J.
18794 Sentenac Road
Apple Valley, CA 92307

Bell, Chuck (via email)
P. O. Box 193
Lucerne Valley, CA 92356
(chuckb@sisp.net)

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21461 Camino Trebol
Lake Forest, CA 92630-2011

Borgogno Revocable Living Trust
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Attn: Roberta B. Travers

Borja, Leonil T. and Tital L.
20784 Iris Canyon Road
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10691 Deerfield Drive
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12439 Addison Street
N. Hollywood, CA 91607
Attn: Alicia Alexander

Brommer Family Trust
13129 S. Baker Avenue
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Attn: Marvin & Carroll Brommer

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P.O. Box 254
Helendale, CA 92342

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26776 Vista Road
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10001 Choiceana Ave.
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Brown, Ronald A.
12031 Philadelphia Street
Whittier, CA 90601-3926

Brown, Sue and Doug
2414 El Mirage Road
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Bruneau, Karen
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Bunnell, Dick
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Fountain Valley, CA 92708-

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Attn: Steve Mammen

California Department Of Transportation
1800 Dill Road
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Attn: Jeff Renfro

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Claremont, CA 91711
Attn: Robert W. Bowcock

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48924 Bedford Rd.
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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302 Via Blanca
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Lomita, CA 90717-1507

Casa Colina Foundation
11981 Midway
Lucerne Valley, CA 92356
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CDFG - Camp Cady (via email)
407 W Line St.
Bishop, CA 93514-
Attn: Troy Kelly (TKELLY@dfg.ca.gov)

CDFG - Mojave Narrows Regional Park
777 East Rialto Avenue
San Bernardino, CA 92415-0763
Attn: Phillip J. Krause

CDFG - Mojave River Fish Hatchery
12550 Jacaranda Avenue
Victorville, CA 92395-5183
Attn: Andrew Herrera

Cemex, Inc. (via email)
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Victorville, CA 92394-2999
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Center Water Company
P. O. Box 616
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CF Properties, LLC
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Chafa, Larry R. and Delinda C.
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Ronan, MT 59864-0796

Chamisal Mutual Water Company
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Moreno Valley, CA 92557

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Club View Partners
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Corbridge, Linda S.
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Daggett Community Services District
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Daggett, CA 92327
Attn: Lawrence Alf

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Daggett, CA 92327-0112
Attn: Steve and Dana Rivett

Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Dennison, Quentin D. - Clegg, Frizell and Joke
44579 Temescal Street
Newberry Springs, CA 92365
Attn: Randy Wagner

Desert Dawn Mutual Water Company
P. O. Box 392
Lucerne Valley, CA 92356-0392
Attn: Peggy Rook

Desert Springs Mutual Water Company
P. O. Box 396
Lucerne Valley, CA 92356-0396
Attn: Denise Courtney

Dexter Family Trust
12544 Okahda Court.
Apple Valley, CA 92308-7186
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Attn: Magdalena Jones

Docimo, Allen and Kathryn
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Docimo, Donald P. and Patricia J.
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Dolch, Robert and Judy
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Gaeta, Trinidad
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Daggett, CA 92327-0337
Attn: Steve Swift

Gold, Harold
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Golden State Water Company
1920 W. Corporate Way
Anaheim, CA 92801-5373
Attn: Ana Chavez

Gordon Acres Water Company
P. O. Box 1035
Lucerne Valley, CA 92356-1035
Attn: Vivian Roberts

Gray, George F. and Betty E.
975 Bryant
Calimesa, CA 92320-1301

Green Acres Estates
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Attn: William Handrinos

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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Hareson, Nicholas and Mary
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Hinkley, CA 92347-9721

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Harper Lake, LLC (via email)
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Helendale, CA 92342
Attn: Peter Czamota

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Hermanas Misioneras Servidoras de la Palabra
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Hesperia, City of (via email)
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Hiett, Harry L.
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Hill Family Trust and Hill's Ranch, Inc. (via email)
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Horton's Children's Trust
47716 Fairview Road
Newberry Springs, CA 92365-9258
Attn: John Horton

Howard Revocable Trust
109 E. Fredricks Street
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Attn: Norman N. Howard

Hrubik, Thomas A.
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Apple Valley, CA 92307-0049

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2225 7th Avenue
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Huerta, Hector
25684 Community Blvd
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Hunt, Ralph M. and Lillian F.
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Yermo, CA 92398

Hutchison Trust, William O.
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Newberry Springs, CA 92365
Attn: William O. Hutchison

Hyatt, James and Brenda
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Irvin, Bertrand W.
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Jackson, James N. Jr Revocable Living Trust
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Los Angeles, CA 90019-3517
Attn: James Jackson Jr.

Jackson, Ray
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Jamboree Housing Corporation
15940 Stoddard Wells Road - Office
Victorville, CA 92395-2800
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Jess Ranch Water Company
906 Old Ranch Road
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Attn: Gary A. Ledford

Jo, Myung Hyun
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Jones, Joette
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Jordan Family Trust
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Jubilee Mutual Water Company
P. O. Box 1016
Lucerne Valley, CA 92356
Attn: Rudy Cervantes

Juniper Riviera County Water District
P. O. Box 386
Apple Valley, CA 92307
Attn: Derek Sandwick

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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Kenwood Management, LLC (via email)
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Attn: Annette De Jong

Kim, Ju Sang
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Lake Jodie Property Owners Association
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Lake Waikiki
230 Hillcrest Drive
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Attn: Nancy Lan

Lake Wainani Owners Association
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Lucerne Valley, CA 92356
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Attn: Manoucher Sarbaz

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M.B. Landscaping and Nursery, Inc.
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Carson, CA 90745-1212
Attn: Vera Martinez

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Milbrat, Irving H.
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Attn: David I. Milbrat

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Mizrahie, et al.
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Murphy, Jean
46126 Old National Trails Highway
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Attn: Father Anastasi

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Transamerica Fin'l Svc - Spears, Larry B. and
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Triple H Partnership
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McFarland, CA 93250-
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Union Pacific Railroad Company
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Victorville Water District, ID#1 (via email)
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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Mojave Basin Area Watermaster's Service List as of June 14, 2011

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Attn: Peter A. Nyquist, Esq.

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA }
3 COUNTY OF SAN BERNARDINO }

4 I am employed in the County of the San Bernardino, State of California. I am over
5 the age of 18 and not a party to the within action; my business address is 1839 Commercenter
6 West, San Bernardino, California.

7 On June 14, 2011, I served the foregoing document(s) described as:
8 **WATERMASTER RESPONSE TO MOTION FOR REVIEW OF WATERMASTER**
9 **DECISION PURSUANT TO 1996 JUDGMENT AFTER TRIAL** on the interested parties
10 in this action in the manner described below, addressed as follows:

11 Jeffrey L. Caufield, Esq.
12 Caufield & James LLP
13 2851 Camino Del Rio, #410
14 San Diego, California 92108

15 Thierry R. Montoya, Esq.
16 Gregory G. Snarr, Esq.
17 Alvarado Smith APC
18 1 MacArthur Place, Ste. 200
19 Santa Ana, California 92702

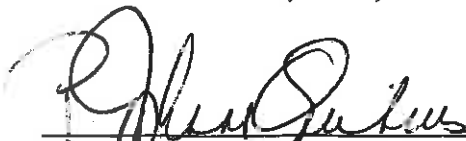
20 XX **BY MAIL AS FOLLOWS:** I am "readily familiar" with the firm's practice of
21 collection and processing correspondence for mailing. Under that practice it would be
22 deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid
23 at San Bernardino, California in the ordinary course of business. I am aware that on motion
24 of the party served, service is presumed invalid if postal cancellation date or postage meter
25 date is more than one day after date of deposit for mailing in affidavit.

26 ___ **(BY OVERNIGHT COURIER SERVICE):** I caused such envelopes to be delivered
27 via overnight courier service to the addressee(s) described above.

28 ___ **(BY FACSIMILE)** On this date, the aforesaid document was transmitted by facsimile
transmission number (909) 388-1889, to the person(s) whose name(s) and facsimile number(s) are
referenced. The transmissions were reported without error.

X **(STATE)** I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

Executed June 14, 2011, in the City of San Bernardino, State of California.

24 
25 _____
26 P: Joanne Quihuis
27
28