

FILED

Superior Court of California
County of Riverside

7/13/2020

L. Mercado-Burni

Electronically Filed

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*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

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Attorneys for Defendant/Cross-Complainant,
MOJAVE WATER AGENCY

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

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

AND RELATED CROSS ACTIONS

CASE NO.: CIV 208568

**NOTICE OF SERVING ORDER
CONTINUING HEARING ON
VACATING STAY OF
RAMPDOWN FOR MUNICIPAL
AND INDUSTRIAL PRODUCERS
IN THE OESTE SUB-AREA;
ORDER TO SHOW CAUSE WHY
THE FPA FOR ALL PRODUCERS
IN OESTE SUB-AREA SHOULD
NOT BE RAMPED DOWN TO 65%
OF BAP; AND PROOF OF
SERVICE THEREON**

Assigned for All Purposes to:
Hon. Craig G. Riemer, Judge Presiding
Dept. 1

PLEASE TAKE NOTICE THAT pursuant to the Court's direction, defendant/cross-complainant, Mojave Water Agency in its role as Watermaster, hereby serves the Court's Order Continuing Hearing on Vacating Stay of Rampdown for Municipal and Industrial Producers in the Oeste Sub-Area; Order to Show Cause why the FPA for All Producers in Oeste Sub-Area Should not be Ramped down to 65% of BAP, a copy of which is attached hereto as Exhibit A, and states in part as follows:

NOTICE OF SERVING ORDER CONTINUING HEARING ON VACATING STAY OF RAMPDOWN FOR MUNICIPAL AND INDUSTRIAL PRODUCERS IN THE OESTE SUB-AREA; ORDER TO SHOW CAUSE WHY THE FPA FOR ALL PRODUCERS IN OESTE SUB-AREA SHOULD NOT BE RAMPED DOWN TO 65% OF BAP; AND PROOF OF SERVICE THEREON

1 1. The hearing on Order to Show Cause issued on June 12, 2020, is continued to
2 August 13, 2020, at 1:30 p.m. in Department 1. Any party who intended to but did not oppose
3 that order may appear at that date and time.

4 2. Any party who opposes either (a) the termination of the differential rampdown
5 between agricultural producers and M&I producers in Oeste, (b) the vacation of the state of the
6 previously ordered rampdown of the M&I producers in Oeste, or (c) the rampdown to a uniform
7 FPA for all producers in Oeste to no less than 65% of BAP for the 2020-2021 Water Year is
8 ordered to appear in this department on August 13, 2020 at 1:30 p.m., and show cause, if any,
9 why the Court should not order such a termination, vacation, and rampdown.

10 3. In compliance with Riverside Superior Court Local Rule 3116, any party wishing
11 to oppose either proposal shall file a declaration no later than four court days in advance of the
12 hearing.

13 4. At the hearing on the responses to the orders to show cause, in-person appearances
14 will not be permitted. Instead, any interested party shall appear by telephone. On the date of
15 the hearing, call into one of the below listed phone numbers, and input the meeting number
16 (followed by #):

- 17 • Call-in Numbers: 1 (213) 306-3065 or 1 (844) 621-3956 (TOLL FREE)
- 18 • Meeting Number: 800-686-489#
- 19 • Press # again.

20 Counsel for the Watermaster ordered to give notice.

21
22 Dated: July 13, 2020

BRUNICK, McELHANEY & KENNEDY PLC

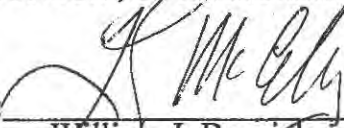
23
24 By: 
25 William J. Brunick
26 Leland P. McElhaney
27 Attorneys for Defendant/Cross-complainant,
28 MOJAVE WATER AGENCY

EXHIBIT 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: City of Barstow v. City of Adelanto	Department 1	JUL 09 2020 <i>[Signature]</i>
CASE NO.: CIV208568		
DATE: July 9, 2020		

PROCEEDING: Order Continuing Hearing on Vacating Stay of Rampdown for Municipal and Industrial Producers in the Oeste Sub-Area; Order to Show Cause why the FPA for All Producers in Oeste Sub-Area Should Not Be Ramped Down to 65% of BAP

LWI
JUL 13 2020
R

On June 12, 2020, the Court issued the following order to show cause:

"[A]ny party opposed to the vacation of the stay of the previously ordered rampdown of the M&I producers in Oeste is ordered to appear in this department on July 9, 2020, at 1:30 P.M., and show cause, if any, why the Court should not vacate the stay of the M&I producers, and order that the FPA for agricultural producers be reduced to 70% of BAP and that the FPA for M&I producers be reduced to 60% of BAP for the 2020-2021 Water Year."

The only party to appear in opposition to that order was the Phelan Pinon Hills Community Services District.

Since 2009, the Court has applied two different rampdowns in Oeste by distinguishing between agricultural producers (whose rampdown has remained at 80%) and municipal and industrial users (whose FPA has been ramped down from 80% to 60%, but the implementation of that rampdown has been stayed). The Court is now considering whether to terminate that differential rampdown, vacate the stay on the M&I rampdown, and set a new FPA for all types of producers in Oeste during Water Year 2020-2021 at no less than 65% of BAP.

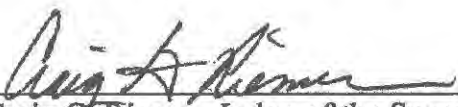
After receiving evidence and argument from the CSD and from the Watermaster, and because the possibility that the differential rampdown in Oeste would be terminated had not been raised in the first OSC, the Court orders as follows:

1. The hearing on Order to Show Cause issued on June 12, 2020, is continued to August 13, 2020, at 1:30 P.M. in Department 1. Any party who intended to but did not oppose that order may appear at that date and time.
2. Any party who opposes either (a) the termination of the differential rampdown between agricultural producers and M&I producers in Oeste, (b) the vacation of the stay of the previously ordered rampdown of the M&I producers in Oeste, or (c) the rampdown to a uniform FPA for all producers in Oeste to no less than 65% of BAP for the 2020-2021 Water Year is ordered to appear in this department on August 13, 2020, at 1:30 P.M., and show cause, if any, why the Court should not order such a termination, vacation, and rampdown.
3. In compliance with Riverside Superior Court Local Rule 3116, any party wishing to oppose either proposal shall file a declaration no later than four court days in advance of the hearing.

4. At the hearing on the responses to the orders to show cause, in-person appearances will not be permitted. Instead, any interested party shall appear by telephone. On the day of the hearing, call into one of the below listed phone numbers, and input the meeting number (followed by #):

- Call-in Numbers: 1 (213) 306-3065 or 1 (844) 621-3956 (TOLL FREE)
- Meeting Number: 800-686-489#
- Press # again.

Counsel for the Watermaster shall serve copies of this order on all parties by mail forthwith, and shall file a proof of service within seven days of the date of mailing.


Craig G. Riemer, Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

CLERK'S CERTIFICATE OF MAILING

CITY OF BARSTOW

vs.

CASE NO. CIV208568

CITY OF ADELANTO

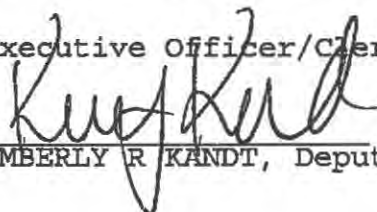
TO:

I certify that I am currently employed by the Superior Court of California, County of Riverside and I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the attached OSC re: Why Court Should Not Vacate Stay on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Dated: 07/09/20

by:


KIMBERLY R KANDT, Deputy Clerk

Notice 'CCMN' has been printed for the following Attorneys/Firms
or Parties for Case Number CIV208568 on 7/09/20:

~~BRUNICK, MCELHANEY & KENNEDY PLC
1839 COMMERCE CENTER WEST
SAN BERNARDINO, CA 92408~~

BRUNICK ALVAREZ & BATTERSBY
PO BOX 6425
SAN BERNARDINO, CA 92412



eSubmit – Document Submission Portal

Delivery Confirmation

Submission ID		Date Received	
10327384		7/13/2020 2:38:20 PM	
First Name	Middle Name	Last Name	
William	J	Brunick	
Street Address	City	State	Zip
1839 Commercenter West	San Bernardino	CA	92408
Phone Number	Fax Number	Company / Agency	
(909) 889-8301		Brunick, McElhaney & Kennedy	
Email Address			
jquihuis@bmklawplc.com			
New Case	Case Number	Case Type	Court Location
No	208568	Civil	Riverside
Fee Waiver or Other Exemption			
Exempt Pursuant to G.C. §6103			
Filing as an Attorney	Bar Number	Attorney for	
Yes	46289	Mojave Water Agency	
Documents			
1 Notice of Serving Order Continuing Hearing On Vacating Stay of Rampdown			
Notes / Special Instructions			
IMPORTANT: This document serves as a confirmation of delivery only and the submitted documents have not yet been processed and/or filed by the Superior Court of California, County of Riverside.			

PROOF OF SERVICE

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

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

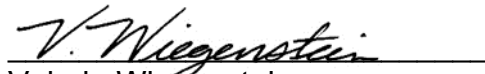
On July 13, 2020, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

**NOTICE OF SERVING ORDER CONTINUING HEARING ON VACATING STAY OF
RAMPDOWN FOR MUNICIPAL AND INDUSTRIAL PRODUCERS IN THE OESTE SUB-
AREA; ORDER TO SHOW CAUSE WHY THE FPA FOR ALL PRODUCERS IN OESTE
SUB-AREA SHOULD NOT BE RAMPED DOWN TO 65% OF BAP; AND PROOF OF
SERVICE THEREON**

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

Executed on July 13, 2020 at Apple Valley, California.


Valerie Wieggenstein

Mojave Basin Area Watermaster Service List as of July 13, 2020

Attn: Roberto Munoz
35250 Yermo, LLC
11273 Palms Blvd., Ste. D.
Los Angeles, CA 90066-2122

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

Attn: Daniel Best
Adelanto, City Of
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Adelanto, CA 92301-1914

(adesdevon@gmail.com)
Ades, John and Devon (via email)

Attn: Kent T. Christensen
(Kchristensen@ducommun.com)
Aerochem, Inc. (via email)
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El Mirage, CA 92301-9489

Attn: Lori Clifton
(lclifton@robarenterprises.com)
Agcon, Inc. (via email)
17671 Bear Valley Road
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Attn: Chun Soo and Wha Ja Ahn
(chunsooahn@naver.com)
Ahn Revocable Living Trust (via email)
P. O. Box 45
Apple Valley, CA 92307-0001

Attn: Simon Ahn (ssahn58@gmail.com)
Ahn Revocable Trust (via email)
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Attn: David Ahn (davidahnmd@gmail.com,
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Ahn, Chun Soo and David (via email)
19130 San Jacinto Way
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Attn: Chun Soo Ahn (chunsooahn@naver.com)
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Apple Valley, CA 92307-0001

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Barstow, CA 92311-6757

Attn: Paul Tsai (paul@ezzlife.com)
America United Development, LLC (via email)
19625 Shelyn Drive
Rowland Heights, CA 91748-3246

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

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

Attn: Daniel B. Smith (avfwd@hotmail.com)
Apple Valley Foothill County Water District
(via email)
22545 Del Oro Road
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Attn: Matthew Patterson
Apple Valley Heights County Water District
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Apple Valley, CA 92308-0938

Attn: Mathew Schulenberg
Apple Valley Unified School District
12555 Navajo Road
Apple Valley, CA 92308-7256

Attn: Emely and Joe Saltmeris
Apple Valley View Mutual Water Company
P. O. Box 3680
Apple Valley, CA 92307-0072

Attn: Tina Kuhns
Apple Valley, Town Of
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Apple Valley, CA 92307-3061

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2301 Lou Menk Dr. GOB-3W
Fort Worth, TX 76131-2825

Attn: Blaine Bilderback
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2301 Lou Menk Drive, GOB-3W
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Avila, Angel and Evalia
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Attn: Sheré R. Bailey
(LegalPeopleService@gmail.com)
Bailey 2007 Living Revocable Trust, Sheré R.
(via email)
10428 National Blvd
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Attn: Daniel Shaw (barhwater@gmail.com)
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Barber, James B.
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P. O. Box 77
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Attn: Curtis Palmer
Baron, Susan and Palmer, Curtis
141 Road 2390
Aztec, NM 87410-9322

Attn: Jennifer Riley (hriley@barstowca.org)
Barstow, City of (via email)
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Barstow, CA 92311

Mojave Basin Area Watermaster Service List as of July 13, 2020

Attn: Barbara Davison
Bass Trust, Newton T.
14924 Chamber Lane
Apple Valley, CA 92307-4912

Attn: Remo E. Bastianon
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Apple Valley, CA 92308-9151

Attn: Mike Beinschroth
(Beinschroth@gmail.com)
Beinschroth Family Trust (via email)
18794 Sentenac
Apple Valley, CA 92307-5342

Beinschroth, Andy Eric
6719 Deep Creek Road
Apple Valley, CA 92308-8711

Attn: Chuck Bell (chuckb@sisp.net)
Bell, Charles H. Trust dated March 7, 2014
(via email)
P. O. Box 193
Lucerne Valley, CA 92356-0193

Best, Byron L.
21461 Camino Trebol
Lake Forest, CA 92630-2011

Borja, Leonil T. and Tital L.
20784 Iris Canyon Road
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Box, Geary S. and Laura
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Attn: Alicia Alexander
Bracht, William F. and Alexander, Alicia M.
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N. Hollywood, CA 91607

Attn: Marvin and Carroll Brommer
Brommer Family Trust
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Mojave Basin Area Watermaster Service List as of July 13, 2020

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Attn: Jay Hooper (jayho123@gmail.com)
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Attn: Crystal Romero
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Darr, James S.
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(paco.cabral@wildlife.ca.gov;
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Chafa, Larry R. and Delinda C.
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Ronan, MT 59864-0796

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Attn: Hwa-Yong Chung
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11446 Midway Ave.
Lucerne Valley, CA 92356-8792

Conner, William H.
11535 Mint Canyon Rd.
Agua Dulce, CA 91390-4577

Cross, Francis and Beverly
156 W 100 N
Jerome, ID 83385-5256

Attn: Alessia Morris
Crystal Lakes Property Owners Association
P. O. Box 351
Yermo, CA 92398

Attn: Steve and Dana Rivett
Daggett Ranch, LLC
P. O. Box 112
Daggett, CA 92327-0112

Attn: Alan L. De Jong
De Jong Family Trust
46561 Fairview Road
Newberry Springs, CA 92365-9230

Mojave Basin Area Watermaster Service List as of July 13, 2020

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Attn: Marie McDaniel
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Lucerne Valley, CA 92356-0392

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

Attn: Debby Wyatt
DLW Revocable Trust
13790 Chateau Court
Apple Valley, CA 92307

Attn: Larry Warren
Dolch, Robert and Judy
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Victorville, CA 92395-2846

Donaldson, Jerry and Beverly
16736 B Road
Delta, CO 81416-8501

Attn: Jeffery Lidman
Dora Land, Inc.
P. O. Box 1405
Apple Valley, CA 92307-0026

Attn: David Dorrance
Dorrance, David W. and Tamela L.
2027 Valleria Court
Sugar Land, TX 77479-

Dowell, Leonard
345 E Carson St.
Carson, CA 90745-2709

Evenson, Edwin H. and Joycelaine C.
P. O. Box 66
Oro Grande, CA 92368-0066

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(severt2166@aol.com)
Evert Family Trust (via email)
19201 Parker Circle
Villa Park, CA 92861-1302

Eygnor, Robert E.
23032 Bryman Road
Oro Grande, CA 92368-9642

Attn: David Dittenmore
(d2dittenmore@bop.gov)
Federal Bureau of Prisons, Victorville (via email)
P. O. Box 5400
Adelanto, CA 92301-5400

Fejfar, Monica Kay
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Newberry Springs, CA 92365-9791

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Fernandez, Arturo (via email)
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Santa Ana, CA 92701-3769

Ferro, Dennis and Norma
1311 1st Ave. N
Jacksonville Beach, FL 32250-3512

(ropingmom3@yahoo.com)
Finch, Jenifer (via email)
9797 Lewis Lane
Apple Valley, CA 92308-8357

Attn: Alex and Jerrica Liu
(alexliu1950@gmail.com;
alexroseanneliu@yahoo.com)
First CPA LLC (via email)
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El Monte, CA 91732-2221

Attn: Carl Fischer (carlsfischer@hotmail.com;
fischer@fischercompanies.com)
Fischer Revocable Living Trust (via email)
1372 West 26th St.
San Bernardino, CA 92405-3029

Attn: Paul Johnson
Fisher Trust, Jerome R.
7603 Hazeltine
Van Nuys, CA 91405

Attn: Allen Yadgari
(Allen@skylinecompany.com)
Foothill Estates MHP, LLC (via email)
9454 Wilshire Blvd. Penthouse
Beverly Hills, CA 90212-2937

(cfrates@renewablegroup.com)
Frates, D. Cole (via email)
113 S La Brea Ave., 3rd Floor
Los Angeles, CA 90036-2998

Attn: Martin Frazier
Frazier, et al.
8707 Deep Creek Rd
Apple Valley, CA 92308-

Attn: Deborah A. Friend
Friend, Joseph and Deborah
P. O. Box 253
Barstow, CA 92312-0253

Attn: Mark Asay (bettybrock@ironwood.org;
waltbrock@ironwood.org)
Fundamental Christian Endeavors, Inc. (via email)
49191 Cherokee Road
Newberry Springs, CA 92365

Gabrych, Eugene
2006 Old Highway 395
Fallbrook, CA 92028-8816

Attn: Mitch Hammack
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Gabrych, Eugene
2006 Old Highway 395
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Gaeta, Miguel and Maria
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Mojave Basin Area Watermaster Service List as of July 13, 2020

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Attn: Jeffrey Edwards
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Mojave Basin Area Watermaster Service List as of July 13, 2020

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Mojave Basin Area Watermaster Service List as of July 13, 2020

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Mojave Basin Area Watermaster Service List as of July 13, 2020

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Liang, Yuan - I and Tzu - Mei Chen
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Mojave Basin Area Watermaster Service List as of July 13, 2020

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Mojave Basin Area Watermaster Service List as of July 13, 2020

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