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

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

11 CITY OF BARSTOW, et al
12 Plaintiff,
13 v.
14 CITY OF ADELANTO, et al
15 Defendant.
16
17 **AND RELATED CROSS ACTIONS**

CASE NO.: CIV 208568

**NOTICE OF SERVING ORDER (1)
VACATING ORDER
PRESCRIBING FORM OF FUTURE
STIPULATIONS FOR
INTERVENTION AND (2)
PRESCRIBING NEW FORM OF
SUCH STIPULATIONS AND
ORDERS AND PROOF OF
SERVICE THEREON**

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

20 **PLEASE TAKE NOTICE THAT** pursuant to the Court's direction, defendant/cross-
21 complainant, Mojave Water Agency in its role as Watermaster, hereby serves the Court's Order
22 (1) Vacating Order Prescribing Form of Future Stipulations for Intervention and (2) Prescribing
23 New Form of such Stipulations and Orders, a copy of which is attached hereto as Exhibit A.

24 Dated: August 18, 2020

BRUNICK, McELHANEY & KENNEDY PLC

26 By: _____

William J. Brunick
Leland P. McElhaney
Attorneys for Defendant/Cross-complainant,
MOJAVE WATER AGENCY

EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

<p>CASE TITLE: City of Barstow v. City of Adelanto CASE NO.: CIV208568 DATE: July 22, 2020</p>	<p>Department 1</p>	<p>AUG 13 2020 J. Castillo</p>
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PROCEEDING: Order (1) Vacating Order Prescribing Form of Future Stipulations for Intervention and (2) Prescribing New Form of such Stipulations and Orders

KK1

Paragraph 40 of the Judgment after Trial provides:

“Any person who is not a Party or successor to a Party and who proposes to Produce water from the Basin Area may seek to become a Party to this Judgment through a Stipulation for Intervention entered into with Watermaster. Watermaster may execute said Stipulation on behalf of the other Parties herein but such Stipulation shall not preclude a Party from opposing such Intervention at the time of the Court hearing thereon. Said Stipulation for Intervention must hereupon be filed with the Court, which will consider an order confirming said intervention following thirty (30) days’ notice to the Parties. Thereafter, if approved by the Court, such intervenor shall be a Party bound by this Judgment and entitled to the rights and privileges accorded under the Physical Solution herein.”


AUG 17 2020
JCA

By an order dated April 20, 2020, and filed May 18, 2020, the Court prescribed the form of all future stipulations and orders pursuant to that paragraph, and prescribed various procedures regarding the submission of those stipulations.

In response, on June 29, 2020, the Watermaster filed a draft stipulation for intervention and draft order granting intervention. Unfortunately, those proposals do not implement the Court’s intent. Accordingly, the Court now rules as follows:

1. Any stipulation for intervention executed by a proposed intervenor after the date the clerk serves this order on the Watermaster shall be substantially in the form attached hereto as Exhibit 1.
2. The stipulation shall be signed by the proposed intervenor and by counsel for the Watermaster. If the intervenor is not a natural person, the stipulation shall state the name and title of the person who is signing the stipulation on the intervenor’s behalf.
3. The stipulation shall be accompanied by a proposed order in substantially the form attached hereto as part of Exhibit 1.
4. The Watermaster shall file the stipulation and the proposed order with the court no later than five months after the date the stipulation was executed by the proposed intervenor. They shall be accompanied by a first-appearance fee on behalf of the intervenor.
5. If multiple stipulations are submitted simultaneously, the Watermaster may submit a single proposed order for all such stipulations.

6. The Watermaster shall serve copies of this Order on all parties forthwith, and thereafter file a proof of service.



Craig G. Klemer, Judge of the Superior Court

1 Department 1
2 Riverside County Superior Court
3 4050 Main Street
4 Riverside, CA 92501
5 (951) 777-3067
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF RIVERSIDE

9 CITY OF BARSTOW, et al.,

10 Plaintiffs

CASE NO. CIV 208568

11 v.

12 CITY OF ADELANTO, et al.,

13 Defendants

STIPULATION FOR INTERVENTION AND
SUBMISSION TO JUDGMENT; [PROPOSED]
ORDER THEREON

14 And Related Cross-Actions
15

16 STIPULATION FOR INTERVENTION AND SUBMISSION TO JUDGMENT

17 Cross-Complainant Mojave Water Agency ("MWA"), acting in its capacity as the Mojave
18 Basin Area Watermaster, and intervening party, [Full Name of Party], hereinafter referred to as
19 "[Last Name]"), agree and stipulate as follows:

- 20 1. On January 10, 1996, the Court entered its Judgment after Trial in the above-entitled action.
- 21 2. [Last Name] was not previously a party to this action and thus was not bound by that
22 judgment.
- 23 3. [Last Name] now agrees (a) to seek leave to intervene in this action and (b) to submit to and
24 be bound by the Judgment entered in this matter on January 10, 1996, as subsequently
25 amended.

1 4. [Last Name] further stipulates to a Base Annual Production Right of ### acre-feet.
2

3 Dated: _____

[Full Name of Intervenor]

4
5 BRUNICK, McELHANEY & KENNEDY, PLC
6

7 Dated: _____

By: _____
8 William J. Brunick, Attorney for Defendant &
9 Cross-Complainant, MOJAVE WATER AGENCY
10

11 ORDER PURSUANT TO STIPULATION

12 Pursuant to the stipulation recited above, IT IS HEREBY ORDERED:

- 13 A. The requested leave to intervene is granted. [Last Name] is hereby made a party to this
14 action and is bound by the terms of the Judgment after Trial, dated January 10, 1996, as
15 thereafter amended.
- 16 B. This order is conditioned on there being no meritorious objections to the intervention. If any
17 party to this action opposes the intervention of [Last Name] for any reason, that party shall
18 file a written objection to the intervention with the Court no later than 30 days from the date
19 that the Watermaster sends out written notice of this order.
- 20 C. If any such objection is filed, the party filing the objection shall deliver a copy of that party's
21 objection to the Watermaster no later than three court days after the filing date.
- 22 D. The Watermaster shall promptly serve copies of the objection on all other parties and shall
23 file a proof of service with the Court.
- 24 E. Upon receiving a conformed copy of an objection, the Watermaster shall request a hearing
25 date from the Court.

1 F. If no objection is filed within the time specified above, then this order granting intervention
2 and submitting the intervenor to the terms of the Judgment after Trial shall become final and
3 unconditional without further order of this Court.

4 G. If an objection is filed but overruled following a hearing on that objection, then the order shall
5 become final and unconditional upon the entry of the order overruling that objection.

6
7 Dated: _____

8 Hon. Craig G. Riemer
9 Judge of the Superior Court
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18
19
20
21
22
23
24
25

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 Vacating Order Prescribing Form of Future on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Dated: 08/13/20

by:



JENNIFER A CASTILLO, Deputy Clerk

Notice 'CCMN' has been printed for the following Attorneys/Firms
or Parties for Case Number CIV208568 on 8/13/20:

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SAN BERNANRDINO, CA 92408

BRUNICK BATTERSBY MCELHANEY & BECK
1839 COMMERCENTER WEST
POST OFFICE BOX 6425
SAN BERNARDINO, CA 92412



eSubmit – Document Submission Portal

Delivery Confirmation

Submission ID		Date Received		
10372628		8/18/2020 11:09:20 AM		
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 Terminating Differential Rampdown in Oeste, Vacating Stay of Prior Rampdown for M&I Producers, etc.				
2 Notice of Serving Order (1) Vacating Order Prescribing Form of Future Stipulations, etc.				
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 August 18, 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 (1) VACATING ORDER PRESCRIBING FORM OF FUTURE STIPULATIONS FOR INTERVENTION AND (2) PRESCRIBING NEW FORM OF SUCH STIPULATIONS AND ORDERS 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 August 18, 2020 at Apple Valley, California.



Valerie Wiegenstein

Mojave Basin Area Watermaster Service List as of August 18, 2020

Attn: Roberto Munoz
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Attn: John McCallum
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Lucerne Valley, CA 92356-2059

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

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Ades, John and Devon (via email)

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Attn: Matthew Patterson
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Attn: Jennifer Riley (hriley@barstowca.org)
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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Attn: Denise Courtney
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Attn: Paul Johnson
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Gabrych, Eugene
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Attn: Jay Storer
Gaeta, Trinidad
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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Attn: Sang Hwal Kim
Gardena Mission Church, Inc.
P. O. Box 304
Lucerne Valley, CA 92356-0304

Garg, Om P.
178 Follyhatch
Irvine, CA 92618-1050

Attn: Brent Peterson
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Attn: Jeffrey Edwards
(jeffrey.edwards@genon.com)
GenOn California South, LP (via email)
P. O. Box 337
Daggett, CA 92327-0337

Attn: Nereida Gonzalez
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Attn: Denise Johnson
Gordon Acres Water Company
P. O. Box 1035
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Gray, George F. and Betty E.
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Calimesa, CA 92320-1301

Attn: Brian E. Bolin
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Attn: Nick Grill (terawatt@juno.com)
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Attn: William Handrinos
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Adelanto, CA 92301-9308

Attn: Donald F. Hanify
Hanify, Michael D., dba - White Bear Ranch
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Attn: Matt Wood (Matt.Wood@Hanson.com)
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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Hert, Scott
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Hesperia, CA 92345-3493

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Attn: Jeremy McDonald
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Attn: Gretchen Horton
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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Liang, Yuan - I and Tzu - Mei Chen
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Attn: Mei Li
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Lucerne Valley, CA 92356

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Luckey 2010 Revocable Trust
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Apple Valley, CA 92308-8740

Attn: Sepoong & Woo Poong Lee
Lee, et al., Sepoong and Woo Poong
#6 Ensueno East
Irvine, CA 92620-

Attn: Brad Francke
LHC Alligator, LLC
P. O. Box 670
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Attn: James Lin
Lin, Kuan Jung and Chung, Der-Bing
2026 Turnball Canyon
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M Bird Construction
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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Maloney, Janice
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19332 Balan Road
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31314 Clay River Road
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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Mojave Basin Area Watermaster Service List as of August 18, 2020

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Mojave Basin Area Watermaster Service List as of August 18, 2020

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