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

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7 Attorneys for Defendant\Cross-Complainant,  
8 MOJAVE WATER AGENCY

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF RIVERSIDE**

11  
12 CITY OF BARSTOW, et al

13 Plaintiff,

14 v.

15 CITY OF ADELANTO, et al

16 Defendant.

17  
18 AND RELATED CROSS ACTIONS

CASE NO.: CIV 208568

**NOTICE OF MOTION AND MOTION  
FOR LEAVE TO FILE SECOND  
AMENDED AND SUPPLEMENTAL  
CROSS-COMPLAINT; MEMORANDUM  
OF POINTS AND AUTHORITIES;  
SUPPORTING DECLARATIONS AND  
EXHIBITS**

Time: 8:30 a.m.  
Date: June 30, 2022  
Dept: 1

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

**Reservation ID: 358564783129**

22  
23 TO THE PARTIES TO THIS PROCEEDING AND COUNSEL OF RECORD:

24 PLEASE TAKE NOTE THAT on June 30, 2022, at 8:30 a.m., or as soon thereafter as  
25 the matter may be heard, in Department 1 of the above-entitled court located at 4050 Main Street,  
26 Riverside, California, 92501, cross-complainant, the Mojave Water Agency, duly appointed  
27 Watermaster in this proceeding, will bring on for hearing and determination by the Court its  
28 motion for leave to file its Second Amended and Supplemental Cross-Complaint, a copy of  
**MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT**

1 which is attached as Exhibit A hereto. The motion is based on the grounds that:

2 1. Certain purportedly Minimal Producers and other non-parties to the action who are  
3 identified in the proposed Second Amended and Supplemental Cross-Complaint as “Non-Party  
4 Cross-Defendants,” are now producing annually more than 10 acre-feet of Basin groundwater  
5 and, therefore should be: (a) joined as parties to the action and required to either stipulate to the  
6 Physical Solution in the Judgment, or separately establish and prove their right, if any, to  
7 produce and use Basin groundwater; and (b) made subject also to Administrative, Replacement  
8 Water, Makeup Water and Biological Resources Assessment, as provided for in the Judgment.  
9 Prior to filing this motion, cross-complainant sent letters to the Non-Party Cross-Defendants  
10 who are believed to: (a) be producing more than 10 acre-fee of Basin groundwater annually,  
11 inviting them to stipulate to, and become a part of the Judgment in this action, and informing  
12 them that their failure to do so would require cross-complainant to file this motion to name and  
13 join them as additional parties to this action; and (b) have County permits allowing the  
14 cultivation and harvesting of hemp, advising the involved property owners that Watermaster will  
15 seek to confirm they are not using Basin groundwater for unlawful cultivation of cannabis  
16 plants. (Copies of sample letters sent to the Non-Party Cross-Defendants are attached as  
17 Exhibit B hereto).

18 2. Additionally, certain other persons who are not parties to this action are producing or  
19 using, or allowing other persons to produce or use Basin groundwater for unlawful cultivation  
20 of cannabis plants, as defined and prohibited in section 84.34 of the San Bernardino County  
21 Code (“Cannabis Grower Cross-Defendants”). Prior to filing this motion, cross-complainant also  
22 sent letters to the Cannabis Grower Cross-Defendants advising them of cross-complainant’s  
23 intention to file a motion to join them as parties to this action, and to seek an order of court or  
24 judgment enjoining and prohibiting them, and each of them, from their unlawful use of Basin  
25 groundwater, in violation of the provisions of the San Bernardino County Code and the  
26 Judgment in this action (see sample letter addressed to the Cannabis Grower Cross-Defendants,  
27 attached as Exhibit C hereto).

28 3. Additionally, as cross-complainant discovers the identities of other persons who either

**MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT**

1 are producing more than 10 af of Basin groundwater annually, or are producing or using, or  
2 allowing other persons to produce or use, Basin groundwater for the unlawful cultivation of  
3 cannabis plants, cross-complainant should be allowed, and hereby requests the opportunity to  
4 be allowed to name and join such additional persons as Roe Cross-Defendants in this action  
5 pursuant to the provisions of Code of Civil Procedure 474.

6 This motion is based upon this Notice, the attached Memorandum of Points and  
7 Authorities, the attached supporting declarations, the court's files relating to this proceeding,  
8 and such additional evidence as may be presented at the hearing on the motion.

9 Dated: May 19, 2022

**BRUNICK, MCELHANEY & KENNEDY PLC**

10  
11 By:  \_\_\_\_\_

12 William J. Brunick  
13 Leland P. McElhaney  
14 Attorneys for Cross-Complainant,  
15 the MOJAVE WATER AGENCY  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Cross-complainant submits this memorandum of points and authorities in support of its  
3 motion for leave to file the proposed Second Amended and Supplemental Cross-Complaint, a  
4 copy of which is attached as Exhibit A hereto and incorporated herein by this reference.

5 **A. THE COURT'S JUDGMENT PROVIDES THAT PERSONS PRODUCING**  
6 **MORE THAN 10 ACRE FEET OF BASIN GROUNDWATER ANNUALLY**  
7 **SHOULD BE MADE PARTIES TO THE ACTION.**

8 In this connection, the court's Judgment entered on January 10, 1996, provides in  
9 pertinent part:

10 q. Minimal Producer – Any Person whose Base Annual Production, as verified by MWA  
11 is not greater than ten (10) acre-feet. A Person designated as a Minimal Producer whose  
12 annual Production exceeds ten (10) acre-fee in any Year following the date of entry of  
13 Judgment is no longer a Minimal Producer.

14 (Pages 9-10)

15 Any Minimal Producer whose annual Production exceeds ten (10) acre-feet in any Year  
16 following the date of entry of Judgment **shall be made a party** [to this action] pursuant  
17 to Paragraph 12 and shall be subject to Administrative, Replacement Water, Makeup  
18 Water and Biological Resources Assessment.

19 (Page 5, emphasis added.)

20 Paragraph 12 of the Judgment provides:

21 Because of the existence of Overdraft, any Production outside the framework of this  
22 Judgment and Physical Solution will contribute to an increased Overdraft, potentially  
23 damage the Mojave Basin Area and public interests in the Basin Area, injure the rights  
24 of all Parties, and interfere with the Physical Solution. **Watermaster shall bring an**  
25 **action or a motion to enjoin any Production that is not pursuant to the terms of this**  
26 **Judgment.** (Emphasis added.)

27 On June 23, 2021, the Court encouraged cross-complainant to: identify persons who are  
28 producing Basin groundwater contrary to the provisions of the Judgment; attempt to persuade  
such persons to stipulate to the Physical Solution in the Judgment, provided they are not  
producing Basin groundwater for the unlawful cultivation of cannabis (the Non-Party Cross-  
Defendants); and, if necessary, seek to enjoin improper or unauthorized production or use of  
Basin groundwater (see 6/23/2021 Transcript., 7:14-8:7; 9:26-10:9). Pursuant to the Court's  
direction, cross-complainant submits this motion for leave to file and serve its proposed Second  
Amended And Supplemental Cross-Complaint.

1 The Non-Party Cross-Defendants and the Cannabis Grower Cross-Defendants identified  
2 in the proposed Second Amended and Supplemental Cross-Complaint are non-parties to this  
3 action who cross-complainant is informed and believes are currently producing annually more  
4 than 10 acre-feet of Basin groundwater (see Declaration of Robert C. Wagner, attached as  
5 Exhibit D hereto).

6 **B. PERSONS PRODUCING OR USING, OR ALLOWING OTHERS TO PRODUCE**  
7 **OR USE BASIN GROUNDWATER FOR THE UNLAWFUL CULTIVATION OF**  
8 **CANNABIS SHOULD BE ENJOINED AND PROHIBITED FROM DOING SO.**

9 During the June 23, 2021 hearing in this matter, the unlawful cultivation of cannabis  
10 plants as an additional cause of the Basin's groundwater depletion was discussed at length. The  
11 Cannabis Grower Cross-Defendants named in the proposed Second Amended and Supplemental  
12 Cross-Complaint have been identified as persons who cross-defendant believes are producing  
13 or using, or allowing other persons to produce or use, Basin groundwater for the unlawful  
14 cultivation of cannabis, as defined and prohibited in section 84.34 of the San Bernardino County  
15 Code. (See Declaration of Robert C. Wagner, attached as Exhibit D hereto).

16 **C. LETTERS WERE SENT TO THE IDENTIFIED PROPERTY OWNERS.**

17 Letters were sent to the named property owners informing them of Watermaster's belief  
18 they either are producing more than 10 acre feet of Basin groundwater annually, or are using  
19 Basin groundwater to cultivate cannabis unlawfully; those who are not cultivating cannabis were  
20 informed of the opportunity to stipulate to the judgment and provided advice as to how to do so.  
21 (See Declaration of Leland P. McElhaney, attached as Exhibit E hereto.) As explained in the  
22 McElhaney declaration: 7 property owners responded to the letters sent; none have agreed to  
23 stipulate to the judgment; and the remaining 57 property owners have not responded to the  
24 letters sent or disputed that they are either cultivating cannabis unlawfully or producing more  
25 than 10 acre feet of Basin groundwater annually.

26 **D. ADDITIONAL ALLEGATIONS IN THE PROPOSED SECOND AMENDED**  
27 **CROSS COMPLAINT.**

28 Accordingly, the Second Amended and Supplemental Cross-Complaint proposes to add  
the following additional allegations, causes of action, and prayer for relief:

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1 a water well or water wells located on the Property, is producing or  
2 allowing other persons to produce annually more than 10 acre-feet of  
3 Basin groundwater and, also, is unlawfully cultivating cannabis plants on  
4 the Property, or allowing other persons to do so;

5 c. Jie Dong, whose residential address is 4618 Peck Road Unit B, El Monte,  
6 CA 91732-4825, is the owner of APN 0461-021-08-000 (“the Property”)  
7 located within the Basin Area and, by use of a water well or water wells  
8 located on the Property, is producing or allowing other persons to produce  
9 annually more than 10 acre-feet of Basin groundwater and, also, is  
10 unlawfully cultivating cannabis plants on the Property, or allowing other  
11 persons to do so;

12 d. Henghe LLC, a California limited liability company, whose registered  
13 agent for service is Tingliang Huang, 22632 Goldensprings Drive Unit  
14 340, Diamond Bar, CA 91765 or 15751 Gilbert Court, Victorville,  
15 CA92394-6725, is the owner of APNs 0457-061-06-000, 0457-061-07-  
16 000, 0457-061-13-000, and 0457-061-34-000 (“the Property”) located  
17 within the Basin Area and, by use of a water well or water wells located  
18 on the Property, is producing or allowing other persons to produce  
19 annually more than 10 acre-feet of Basin groundwater and, also, is  
20 unlawfully cultivating cannabis plants on the Property, or allowing other  
21 persons to do so;

22 e. Alexluu Ho and Liya Liu, whose residential address is 1306 S Raymond  
23 Avenue, Alhambra, CA91803-2339, are the owners of APN 0457-081-12-  
24 000 (“the Property”) located within the Basin Area and, by use of a water  
25 well or water wells located on the Property, is producing or allowing other  
26 persons to produce annually more than 10 acre-feet of Basin groundwater  
27 and, also, is unlawfully cultivating cannabis plants on the Property, or  
28 allowing other persons to do so;

- 1 f. King Adventure Farms and Ranch LLC, is a California limited liability  
2 company, whose registered agent for service is Mark King, 4797 West  
3 Phillips Street, Ontario, CA 91762, is the owner of APNs 3131-101-01-  
4 000 and 3200-551-01-000 (“the Property”) located within the Basin Area  
5 and, by use of a water well or water wells located on the Property, is  
6 producing or allowing other persons to produce annually more than 10  
7 acre-feet of Basin groundwater and, also, is unlawfully cultivating  
8 cannabis plants on the Property, or allowing other persons to do so;
- 9 g. Jierong Lin, whose residential address is 355 Frankfort Street, Daly City,  
10 CA94014-1318, is the owner of APN 0461-085-08-000 (“the Property”)   
11 located within the Basin Area and, by use of a water well or water wells  
12 located on the Property, is producing or allowing other persons to produce  
13 annually more than 10 acre-feet of Basin groundwater and, also, is  
14 unlawfully cultivating cannabis plants on the Property, or allowing other  
15 persons to do so;
- 16 h. Cresencio Ramirez and Victoria Ramirez, whose residential address is  
17 10750 Bennett Drive, Fontana, CA92337-7549, are the owners of APNs  
18 0457-082-19-000, 0457-112-14-000, 0457-112-24-000, 0457-122-23-000,  
19 and 0457-122-39-000 (“the Property”) located within the Basin Area and,  
20 by use of a water well or water wells located on the Property, are  
21 producing or allowing other persons to produce annually more than 10  
22 acre-feet of Basin groundwater and, also, are unlawfully cultivating  
23 cannabis plants on the Property, or allowing other persons to do so;
- 24 I. Agustin Rodriquez, whose residential address is 222 Grandview Lane,  
25 Grants Pass, OR97527-5324, is the owner of APN 0457-113-46-000 (“the  
26 Property”) located within the Basin Area and, by use of a water well or  
27 water wells located on the Property, is producing or allowing other persons  
28 to produce annually more than 10 acre-feet of Basin groundwater and,



1 also, is unlawfully cultivating cannabis plants on the Property, or allowing  
2 other persons to do so;

3 j. Ana Marie Marquez, whose residential address is 24577 Monterey  
4 Avenue, San Bernardino, CA92410-4943, is the owner of APN 0450-041-  
5 12-000 (“the Property”) located within the Basin Area and, by use of a  
6 water well or water wells located on the Property, is producing or allowing  
7 other persons to produce annually more than 10 acre-feet of Basin  
8 groundwater and, also, is unlawfully cultivating cannabis plants on the  
9 Property, or allowing other persons to do so;

10 k. Quan Phu, whose residential address is 11807 Allisonville Road #158,  
11 Fishers, IN26038-2313, is the owner of APN 0452-081-69-000 (“the  
12 Property”) located within the Basin Area and, by use of a water well or  
13 water wells located on the Property, is producing or allowing other persons  
14 to produce annually more than 10 acre-feet of Basin groundwater and,  
15 also, may be unlawfully cultivating cannabis plants on the Property, or  
16 allowing other persons to do so;

17 l. Amanda Qiaogun Baxter, whose residential address is 10026 Friesian  
18 Estates Drive, Spring, TX77379-1415, is the owner of APNs 0457-073-01-  
19 000, 0457-392-02-000, 0457-392-06-000, and 3099-151-01-000 (“the  
20 Property”) located within the Basin Area and, by use of a water well or  
21 water wells located on the Property, is producing or allowing other persons  
22 to produce annually more than 10 acre-feet of Basin groundwater and,  
23 also, may be unlawfully cultivating cannabis plants on the Property, or  
24 allowing other persons to do so;

25 m. Huawen Yang and Michael Ung Quoc, whose residential address is 3715  
26 Elderberry Circle, Corona, CA 92882-7990, and Johnson Yu Chang, Yu-  
27 Chuan Jennifer Chang, Chrisine Yu Chang, whose residential address is  
28 752 Vineland Avenue, La Puente, CA91746-1913, are the owners of APN

0457-113-33-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, are producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

n. Biao Chen, whose residential address is 14442 Estella Street, Baldwin Park, CA91706-2624, is the owner of APN 3200-441-01-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

o. Xiaolan Du, whose residential address is 10930 Basye Street, Unit E, El Monte, CA 91731-1689, is the owner of APN 0457-061-22-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

p. Fuhong Huang, whose residential address is 1710 S. Del Mar Avenue, San Gabriel, CA 91776-3852, is the owner of APN 0461-201-02-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

q. Shuteng Du, whose residential address is 1036 E. Main Street, Alhambra, CA 91801-4109, is the owner of APN 0458-291-04-000 (“the Property”)

1 located within the Basin Area and, by use of a water well or water wells  
2 located on the Property, is producing or allowing other persons to produce  
3 annually more than 10 acre-feet of Basin groundwater and, also, may be  
4 unlawfully cultivating cannabis plants on the Property, or allowing other  
5 persons to do so;

6 r. Suzie Linxiuzi Liu, whose residential address is 13291 Dancy Street,  
7 Eastvale, CA92880-3111 is the owner of APN 0458-082-19-000 (“the  
8 Property”) located within the Basin Area and, by use of a water well or  
9 water wells located on the Property, is producing or allowing other persons  
10 to produce annually more than 10 acre-feet of Basin groundwater and,  
11 also, may be unlawfully cultivating cannabis plants on the Property, or  
12 allowing other persons to do so;

13 s. Kong Zang Ni, whose residential address is 1362 Ellon Street, El Mirage,  
14 CA92301, is the owner of APNs 3131-201-01-000, 3200-361-11-000,  
15 3200-601-04-000 (“the Property”) located within the Basin Area and, by  
16 use of a water well or water wells located on the Property, is producing or  
17 allowing other persons to produce annually more than 10 acre-feet of  
18 Basin groundwater and, also, may be unlawfully cultivating cannabis  
19 plants on the Property;

20 t. J Sanchez aka J Trinidad Munoz Sanchez, whose residential address is 350  
21 S. Willow Avenue, SPC 63, Rialto, CA92376-6342, is the owner of APN  
22 3100-291-05-000 (“the Property”) located within the Basin Area and, by  
23 use of a water well or water wells located on the Property, is producing or  
24 allowing other persons to produce annually more than 10 acre-feet of  
25 Basin groundwater and, also, may be unlawfully cultivating cannabis  
26 plants on the Property, or allowing other persons to do so;

27 u. Shunxing Weng, whose residential address is 135 W. Newmark Avenue,  
28 Apartment A, Monterey Park, CA91754-3396, is the owner of APN 0457-

013-20-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

v. Xiangmao Wu, whose residential address is 20650 Sheep Creek Road, El Mirage, CA92301-9533, is the owner of APN 0457-041-14-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

w. Wencui Xiao, whose residential address is 1888 Berryhill Drive, Chino Hills, CA91709-5937, is the owner of APN 0461-072-69-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

x. Jingzhe Zhao and Xiuli Xue, whose residential address is 408 S. Electric Avenue, Alhambra, CA91803-1628, are the owners of APN 0457-021-43-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

y. Zhiwei Zhao, whose residential address is 6831 Padova Court, Rancho Cucamonga, CA91701-8535, is the owner of APN 3200-351-02-000 (“the

Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

z. Dequan Li and Yuanqing Zhang, whose residential address is 23605 Ridgecrest Court, Diamond Bar, CA91765-6108, are the owners of APN 3099-261-01-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

aa. Jose Luis Jaime, whose residential address is 55346 Pipes Canyon Road, Yucca Valley, CA92284-4505 or 11624 Midway Avenue, Lucerne Valley, CA92356-8778, is the owner of APNs 0450-025-04-000 and 0450-025-22-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

ab. Ran Hee Paeng, whose residential address is 12775 Ivanhoe Road, Lucerne Valley, CA92356-8294, is the owner of APN 0464-141-29-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater;

ac. The Chin Family Life Estate Trust, whose address is 15648 Meridian Road, Lucerne Valley, CA92356-9008, is the owner of APN 0453-062-69-000 (“the Property”) located within the Basin Area and, by use of a water

1 well or water wells located on the Property, is producing or allowing other  
2 persons to produce annually more than 10 acre-feet of Basin groundwater;  
3 ad. Chung Won Kim, whose residential address is 15565 Meridian Road  
4 Lucerne Valley, CA 92356-7030, is the owners of APN 0453-062-64-000  
5 (“the Property”) located within the Basin Area and, by use of a water well  
6 or water wells located on the Property, is producing or allowing other  
7 persons to produce annually more than 10 acre-feet of Basin groundwater;  
8 ae. Jose De Jesus Ayon, Felicitas Ayon, Josefina Perez, Abel Perez, Norma  
9 Carvajal, and Salvador Ayon whose residential address is 752 Vineland  
10 Avenue, La Puente, CA91746-1913, are the owners of APN 0457-241-36-  
11 000 (“the Property”) located within the Basin Area and, by use of a water  
12 well or water wells located on the Property, is producing or allowing other  
13 persons to produce annually more than 10 acre-feet of Basin groundwater;  
14 af. Jiyeon K. Song, whose residential address is 183 Lockford, Irvine,  
15 CA92602-0952, is the owner of APN 3099-171-21-000 (“the Property”)   
16 located within the Basin Area and, by use of a water well or water wells  
17 located on the Property, is producing or allowing other persons to produce  
18 annually more than 10 acre-feet of Basin groundwater;  
19 ag. Jilin Xiao and Xiaoli Dang, whose residential address is 43 Lyndhurst,  
20 Irvine, CA92620-2141, are the owners of APN 0450-025-16-000 (“the  
21 Property”) located within the Basin Area and, by use of a water well or  
22 water wells located on the Property, is producing or allowing other persons  
23 to produce annually more than 10 acre-feet of Basin groundwater;  
24 ah. Jae Chang Joo and Ran Sook Jung, whose residential address is 1234  
25 Western Avenue, Los Angeles, CA90006 and/or 2530 W 18<sup>th</sup> Street, Los  
26 Angeles, CA90019-6214, are the owners of APNs 0452-121-24-000 and  
27 0452-121-25-000 (“the Property”) located within the Basin Area and, by  
28 use of a water well or water wells located on the Property, is producing or

1 allowing other persons to produce annually more than 10 acre-feet of  
2 Basin groundwater;

3 ai. Young Joo Lee and Hosull Lee, whose residential address is P.O. Box 826,  
4 Lucerne Valley, CA92356-0826, are the owners of APN 0450-022-37-000  
5 (“the Property”) located within the Basin Area and, by use of a water well  
6 or water wells located on the Property, is producing or allowing other  
7 persons to produce annually more than 10 acre-feet of Basin groundwater;

8 aj. En A Choi, whose residential address is 14117 S. Ainsworth Street,  
9 Gardena, CA90247-2131, is the owner of APNs 0451-111-10-000 and  
10 0452-051-45-000 (“the Property”) located within the Basin Area and, by  
11 use of a water well or water wells located on the Property, is producing or  
12 allowing other persons to produce annually more than 10 acre-feet of  
13 Basin groundwater;

14 ak. The Fasoja Living Trust, whose residential address is P.O. Box 2847,  
15 Apple Valley, CA92307-0054, is the owner of APN 0449-131-11-000  
16 (“the Property”) located within the Basin Area and, by use of a water well  
17 or water wells located on the Property, is producing or allowing other  
18 persons to produce annually more than 10 acre-feet of Basin groundwater;

19 al. Mingxiang Sun, whose residential address is 225 N. Baltimore Avenue,  
20 Apt B, Monterey Park, CA91754-1672, is the owner of APN 3101-041-04-  
21 000 (“the Property”) located within the Basin Area and, by use of a water  
22 well or water wells located on the Property, is producing or allowing other  
23 persons to produce annually more than 10 acre-feet of Basin groundwater,  
24 and also may be cultivating cannabis plants on the Property, or allowing  
25 other persons to do so;

26 am. Come Mission Inc., whose registered agent for service is Minkyong Jung,  
27 and whose address is 1520 James M Wood Blvd., Los Angeles, CA90015-  
28 1110, is the owner of APN 0451-132-09-000 (“the Property”) located

1 within the Basin Area and, by use of a water well or water wells located  
2 on the Property, is producing or allowing other persons to produce  
3 annually more than 10 acre-feet of Basin groundwater;

4 an. Jasper Young Kim and Joy Boonwha Kim, whose residential address is  
5 2665 Amber Wood Place, Thousand Oaks, CA91362-1231, is the owner  
6 of APN 0451-424-01-000 ("the Property") located within the Basin Area  
7 and, by use of a water well or water wells located on the Property, is  
8 producing or allowing other persons to produce annually more than 10  
9 acre-feet of Basin groundwater;

10 ao. Chong Chol Kim and Kyung Kim, whose residential address is 9494 Baker  
11 Road, Lucerne Valley, CA7290, are the owners of APNs 0451-146-12-000  
12 and 0451-146-36-000 ("the Property") located within the Basin Area and,  
13 by use of a water well or water wells located on the Property, is producing  
14 or allowing other persons to produce annually more than 10 acre-feet of  
15 Basin groundwater;

16 ap. Vincenzo Cappelino and Theresa Cappelino, whose residential address is  
17 13571 Choco Road, Apple Valley, CA92308-4545, are the owners of APN  
18 0450-163-24-000 ("the Property") located within the Basin Area and, by  
19 use of a water well or water wells located on the Property, is producing or  
20 allowing other persons to produce annually more than 10 acre-feet of  
21 Basin groundwater;

22 aq. Raul Ovidio Prudencio, Trustee of The Raul O Prudencio Living Trust,  
23 whose residential address is 10880 Kendall Road, Lucerne Valley,  
24 CA92356-9303, is the owner of APNs 0451-481-04-000 and 0451-031-14-  
25 000 ("the Property") located within the Basin Area and, by use of a water  
26 well or water wells located on the Property, is producing or allowing other  
27 persons to produce annually more than 10 acre-feet of Basin groundwater;

28 ar. Young Hee Lee, whose address is P.O. Box 1367, Lucerne Valley, CA



92356-1367, is the owner of APN 0450-162-01-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater;

as. Wayne Thomas Schaefer, Steven Richard Schaefer, and Cheryl Ann Schaefer whose residential address is 20901 E. Walnut Canyon Road, Walnut, CA 91789-5004, are the owners of APNs 0449-111-10-000 and 0451-146-04-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, are producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater;

at. Lucerne Valley Unified School District, whose address is 8560 Alianto Road, Lucerne Valley, CA 92356, is the owner of APNs 0450-051-20-000, 0450-081-28-000, 0450-081-47-000 and 0449-111-02-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing annually more than 10 acre-feet of Basin groundwater;

4. Cross-defendants Roe 1 through 1000, inclusive, are sued in this cross-complaint under fictitious names. Their true names and capacities are unknown to cross-complainant. When their true names and capacities are ascertained, cross-complainant will amend this cross-complaint by inserting their true names and capacities herein. Cross-complainant is informed and believes, and thereon alleges, that each of the fictitiously named cross-defendants is responsible in some manner for the occurrences alleged in this cross-complaint, and that the damage to the Basin as alleged in this cross-complaint was proximately caused by those cross-defendants.

5. On July 26, 1991, MWA filed its First Amended Cross-Complaint in this action, identifying and naming necessary parties to the action, and requesting a declaration that the available native water supply to the Mojave Basin Area is inadequate to meet the

1 demands of the combined parties and requesting a determination of the water rights of  
2 whatever nature within the MWA boundaries and the Mojave Basin Area.

3 6. On January 10, 1996, Judgment After Trial was entered in the action. In pertinent  
4 part, the Judgment provides:

5 q. Minimal Producer – Any Person whose Base Annual Production, as verified  
6 by MWA is not greater than ten (10) acre-feet. A Person designated as a Minimal  
7 Producer whose annual Production exceeds ten (10) acre-fee in any Year  
8 following the date of entry of Judgment is no longer a Minimal Producer.

9 (Pages 9-10)

10 Any Minimal Producer whose annual Production exceeds ten (10) acre-feet in any  
11 Year following the date of entry of Judgment **shall be made a party** [to this  
12 action] pursuant to Paragraph 12 and shall be subject to Administrative,  
13 Replacement Water, Makeup Water and Biological Resources Assessment.

14 (Page 5, emphasis added.)

15 14. Injunction Against Unauthorized Production. Each and every Party, its  
16 officers, agents, employees, successors, and assigns, is ENJOINED AND  
17 RESTRAINED from producing water from the Basin Area except pursuant to the  
18 provisions of the Physical Solution in this Judgment.

19 (Page 22)

20 a. Jurisdiction. This Court has jurisdiction to enter Judgment declaring and  
21 adjudicating the rights to **reasonable and beneficial use** of water by the parties  
22 in the Mojave Basin Area pursuant to Article X, Section 2 of the California  
23 Constitution.

24 (Page 3; emphasis added.)

25 7. Article 10, Section 2 of the California Constitution provides that, “because of the  
26 conditions prevailing in this State the general welfare requires that the water resources  
27 of the State be put to beneficial use to the fullest extent of which they are capable, and  
28 that the waste or unreasonable use or unreasonable method of use of water be prevented,  
and that the conservation of such waters is to be exercised with a view to the reasonable  
and beneficial use thereof in the interest of the people and for the public welfare.”

8. The purpose and objective of the Physical Solution in the Judgment entered in this  
action “is to establish a legal and practical means for making the maximum **reasonable  
beneficial** use of the waters of the Basin Area . . .” (Judgment, para. 20; emphasis  
added.) Use of the Basin’s limited water supply to unlawfully cultivate cannabis plants,  
MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

1 by definition, is not a reasonable or beneficial use and, therefore, should be enjoined and  
2 prohibited to prevent further overdraft of the Basin and to protect and preserve the  
3 limited water supply within the Basin.

4 9. Cross-complainant was appointed and is acting under the Judgment as  
5 Watermaster “to administer and enforce the provisions of this Judgment and any  
6 subsequent orders of this Court issued in the performance of its continuing jurisdiction”  
7 (para. 23 of the Judgment). Paragraph 24, subdivision “u” of the Judgment, authorizes  
8 the cross-complainant, in its role as Watermaster, “To bring such action or motion as is  
9 necessary to enjoin unauthorized Production as provided in Paragraph 12 hereinabove.”  
10 Paragraph 12 of the Judgment provides:

11 Because of the existence of Overdraft, any Production outside the framework of  
12 this Judgment and Physical Solution will contribute to an increased Overdraft,  
13 potentially damage the Mojave Basin Area and public interests in the Basin Area,  
14 injure the rights of all Parties, and interfere with the Physical Solution.  
15 **Watermaster shall bring an action or a motion to enjoin any Production that**  
16 **is not pursuant to the terms of this Judgment.** (Emphasis added.)

17 10. On June 23, 2021, the Court encouraged the cross-complainant to: identify parties  
18 or non-parties who are producing water contrary to the provisions of the Judgment;  
19 attempt to persuade such non-parties to stipulate to the Physical Solution in the  
20 Judgment; and, if necessary, file an action to enjoin improper or unauthorized production  
21 or use of Basin groundwater (see 6/23/2021 Transcript., 7:14-8:7; 9:26-10:9).

22 11. Section 84.34.030 of the San Bernardino County Code prohibits the operation of  
23 commercial cannabis activity, and specifically provides:

24 It shall be unlawful for any person to conduct, cause to be conducted, or permit  
25 to be conducted, a commercial cannabis activity within the unincorporated area  
26 of the County.

27 12. Section 84.34.020(e) defines “commercial cannabis activity” as:

28 Any enterprise or activity, whether or not for profit, gain or benefit, concerning  
the cultivation, production, storage, processing, manufacture, dispensing,  
delivery, distribution, laboratory testing, transportation, provision, or sale of  
cannabis or cannabis products, for medical purposes or otherwise.

13. Section 84.34.020(f) defines “cultivation” as “Any activity involving the planting,  
growing, harvesting, drying, curing, grading, or trimming of cannabis . .”

1 14. Cross-defendants' unauthorized or unlawful conduct, or conduct contrary to the  
2 terms of the Judgment, unless and until enjoined and restrained by order or amended  
3 judgment of this court, will cause additional overdrafting of the Basin's groundwater,  
4 and great and irreparable injury to the Basin and to the rights of the parties to the  
5 Judgment.

6 15. Cross-complainant and the Basin stakeholders have no adequate remedy at law  
7 for the injuries that are being suffered and will be suffered, as it will be impossible for  
8 cross-complainant and the Basin stakeholders to determine the precise amount of damage  
9 that will be suffered if cross-defendants' conduct is not restrained. Additionally, the  
10 Judgment entered herein specifically authorizes cross-complainant to bring an action to  
11 enjoin any Production that is not pursuant to the terms of the Judgment, and to join in the  
12 action any person who produces annually more than 10 acre-feet of groundwater.

#### 13 **FIRST CAUSE OF ACTION**

14 (Persons producing annually more than 10 acre-feet -- against Non-Party Cross-  
15 Defendants and Roes 1 through 600)

16 16. Cross-complainant incorporates herein as though set forth in full herein the  
17 allegations of paragraphs 1 through 15 above.

18 17. Cross-complainant is informed and believes, and thereon alleges that cross-  
19 defendants, Quan Phu, Amanda Qiaogun Baxter, Huawen Yang, Michael Ung Quoc,  
20 Biao Chen, Xiaolan Du, Fuhong Huang, Shuteng Du, Suzie Linxuzi Liu, Kong Zang Ni,  
21 J Sanchez aka J Trinidad Munoz Sanchez, Shunxing Weng, Xiangmao Wu, Wenci Xiao,  
22 Jingzhe Zhao, Xiuli Xue, Zhiwei Zhao, Dequan Li, Yaunqing Zhang, Jose Luis Jaime,  
23 Ran Hee Paeng, The Chin Family Life Estate Trust, Chung Won Kim, Jose De Jesus  
24 Ayon, Felicitas Ayon, Josefina Perez, Abel Perez, Norma Carvajal, Salvador Ayon,  
25 Jiyeon K. Song, Jilin Xiao, Xiaoli Dang, Jae Chang Joo, Ran Sook Jung, Young Joo Lee,  
26 Hosull Lee, En A Choi, The Fasoja Living Trust, Mingxiang Sun, Come Mission Inc.,  
27 Jasper Young Kim, Joy Boonwha Kim, Chong Chol Kim, Kyung Kim, Vincenzo  
28 Cappelino, Theresa Cappelino, Raul Ovidio Prudencio (Trustee of the Raul O Prudencio

1 Living Trust), Young Hee Lee, Wayne Thomas Schaefer, Steven Richard Schaefer,  
2 Cheryl Ann Schaefer, Lucerne Valley Unified School District and ROES 1 through 600  
3 (hereafter, “Non-Party Cross-Defendants”) are non-parties to the Judgment and are  
4 producing annually more than 10 acre-feet of Basin groundwater.<sup>1</sup>

5 18. The Judgment entered herein requires that such Non-Party Cross-Defendants be  
6 made parties to the action and, also, be subject to Administrative, Replacement Water,  
7 Makeup Water and Biological Resources Assessment.

8 19. Accordingly, the Non-Party Cross-Defendants should be required to either  
9 stipulate to the Physical Solution in the Judgment, or  
10 separately establish and prove their right, if any, to produce or use Basin groundwater; and that  
11 they be enjoined and restrained from producing Basin groundwater contrary to the terms of the  
12 Judgment.

### 13 **SECOND CAUSE OF ACTION**

14 (Persons producing/using Basin groundwater to cultivate cannabis/marijuana -- against  
15 Cannabis Grower Cross-Defendants and Roes 601 through 1000)

16 20. Cross-complainant incorporates herein as though set forth in full herein the  
17 allegations of paragraphs 1 through 15 above, and 25 through 29 below.

18 21. Cross-complainant is informed and believe, and thereon alleges that cross-  
19 defendants Antonio Rosas, Tony Doung aka Tony Ly Thoc Doung, Jie Dong, Henghe  
20 LLC, Alexlu Ho, Liya Liu, King Adventure Farms and Ranch LLC, Jierong Lin,  
21 Cresencio Ramirez, Victoria Ramirez, Agustin Rodriquez, Anna Marie Marquez, and  
22 ROES 601 through 1000 (hereafter, “Cannabis Grower Cross-Defendants”) are  
23 producing or using Basin groundwater for illegal cultivation of cannabis/marijuana as  
24 defined and prohibited in San Bernardino County Code section 84.34.

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25  
26 <sup>1</sup> As indicated in Exhibit D hereto, this listing includes property owners who have County  
27 permits allowing cultivating of hemp; Watermaster will seek to confirm these property owners are  
28 not also unlawfully cultivating cannabis. If they are determined to be producing cannabis, orders will  
be sought enjoining such unlawful activity which also violates the conditions and terms of the  
Judgment.

1 22. Plaintiff is informed and believes, and thereon alleges that each of the Cannabis  
2 Grower Cross-Defendants has, and at all times relevant hereto had, actual or constructive  
3 knowledge of the unlawful use of Basin groundwater produced or used as aforesaid, and  
4 each of them is causing, leasing, allowing, permitting, aiding, abetting, suffering or  
5 concealing unlawful cannabis/marijuana cultivation in violation of San Bernardino  
6 County Code section 84.34.

7 23. Producing or using Basin groundwater for unlawful cultivation of  
8 cannabis/marijuana is not a reasonable or beneficial use of water, and is not authorized  
9 or permitted under the terms of the Judgment. Accordingly, the Cannabis Grower Cross-  
10 Defendants should be permanently enjoined and prohibited from producing or using  
11 Basin groundwater to cultivate cannabis/marijuana.

### 12 **THIRD CAUSE OF ACTION**

13 (Nuisance *Per Se* for illegal land use in violation of San Bernardino Code section 84.34  
14 prohibiting commercial cannabis cultivation in unincorporated areas of the County --  
15 against Cannabis Grower Cross-Defendants and Roes 601 through 1000)

16 24. Cross-complainant incorporates herein as though set forth in full herein the  
17 allegations of paragraphs 1 through 15 and 21 through 23 above.

18 25. Cross-complainant is informed and believes, and thereon alleges that from an  
19 exact date unknown, and at all times herein mentioned, the Cannabis Grower Cross-  
20 Defendants and Roes 601 to 1,000 have knowingly caused, allowed, permitted, aided,  
21 abetted, suffered or concealed production or use of Basin groundwater for unlawful  
22 cannabis/marijuana cultivation in unincorporated areas of the County, and in violation  
23 of San Bernardino County Code section 84.34.

24 26. Cross-complainant is informed and believes, and thereon alleges that the Basin  
25 has sustained great and irreparable injury because the use of Basin groundwater for  
26 unlawful cannabis cultivation causes, and has caused, further depletion and overdraft of  
27 the Basin groundwater, to the detriment of the Basin and all of its stakeholders.

28 27. The Basin stakeholders cannot be fully compensated in damages and are without  
**MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT**

1 a plain, speedy or adequate remedy at law because the exact amount of the damage and  
2 injury to the Basin, the stakeholders' interest therein, and the general public's health,  
3 safety and welfare are unascertainable.

4 28. Cross-complainant if informed and believes, and thereon alleges that unless each  
5 Cannabis Grower Cross-Defendant is restrained and enjoined by order of this court  
6 and/or the court provides other equitable relief permissible by law, the Cannabis Grower  
7 Cross-Defendants will continue to cause, lease, allow, permit, aid, abet, suffer or conceal  
8 the unlawful production and use of Basin groundwater for unlawful cultivation of  
9 cannabis/marijuana, in violation of this court's Judgment and San Bernardino County  
10 Code section 84.34.

11 29. Injunctive relief or appointment of a receiver to take possession of property, cease  
12 the production or use of Basin groundwater for unlawful cannabis cultivation, remove  
13 all fixtures and equipment used in aiding and abetting the nuisance, are necessary to  
14 secure compliance with the Judgment and the laws of the County of San Bernardino and  
15 to abate the public nuisance *per se* caused, allowed, permitted, aided, abetted, suffered  
16 or concealed by Cannabis Grower Cross-Defendants relating to their production or use  
17 of Basin groundwater for the unlawful purposes described herein.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, cross-complainant prays judgment against all cross-defendants as  
20 follows:

21 **AS TO FIRST CAUSE OF ACTION:**

22 1. For an order requiring that the Non-Party Cross-Defendants and Roes 1 through  
23 600 either stipulate to become parties to the Physical Solution in the Judgment, or litigate  
24 and prove their right, if any, to produce Basin groundwater; and that they be enjoined and  
25 restrained from producing Basin groundwater contrary to the terms of the Judgment.

26 **AS TO SECOND AND THIRD CAUSES OF ACTION:**

27 2. For an order requiring the Cannabis Grower Cross-Defendants and Roes 601  
28 through 1,000 to show cause, if any they have, why they should not be enjoined as set  
MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

1        forth in this cross-complaint, during the pendency of this action;

2        3.        For a temporary restraining order, a preliminary injunction, and a permanent  
3        injunction, all enjoining and prohibiting each of the Cannabis Grower Cross-Defendants  
4        and Roes 601 through 1,000, and their respective agents, servants, and employees, and  
5        all persons acting under, in concert with, or for them:

6                a.        From producing or using Basin Area groundwater to cultivate  
7        cannabis/marijuana, as defined and prohibited in section 84.34 of the San Bernardino  
8        County Code;

9                b.        To dismantle all equipment, fixtures, materials and structures of any kind  
10       or nature used to produce or use Basin Area groundwater to cultivate cannabis/marijuana,  
11       as defined and prohibited in section 84.34 of the San Bernardino County Code.

12       4.        For an order appointing a receiver to take possession of the equipment, fixtures,  
13       materials and structures which are being used to produce or use Basin groundwater for  
14       illegal cultivation of cannabis/marijuana, and to dismantle and remove all equipment and  
15       fixtures used for the purpose of producing or using Basin groundwater to unlawfully  
16       cultivate cannabis/marijuana.

17                AS TO ALL CAUSES OF ACTION:

18       5.        For costs of suit incurred in this action; and

19       6.        For such other and further relief as the court deems proper.

20       ///

21       ///

22       ///

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27       ///

28       ///



1           **C.     CONCLUSION**

2           For the foregoing reasons, cross-complainant respectfully submits the Court should grant  
3 cross-complainant's motion and allow it to file the proposed Second Amended and  
4 Supplemental Cross-Complaint, a copy of which is attached as Exhibit A hereto, and also allow  
5 it to name and serve as Roe defendants pursuant to the provisions of Code of Civil Procedure  
6 section 474, any later discovered Non-Party Cross-Defendants or Cannabis Grower Cross-  
7 Defendants who are producing more than 10 acre feet of Basin groundwater annually or using  
8 Basin groundwater unlawfully to cultivate cannabis.

9 Dated: May 19, 2022

**BRUNICK, McELHANEY & KENNEDY PLC**

10  
11 By: \_\_\_\_\_

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

# **EXHIBIT A**

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MOJAVE WATER AGENCY

**REVISED DRAFT**

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

***Deemed verified***

**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

**SECOND AMENDED AND  
SUPPLEMENTAL CROSS-COMPLAINT**

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

Cross-complainant, the Mojave Water Agency, complains against the cross-defendants named herein, as follows:

**GENERAL ALLEGATIONS**

1. Cross-complainant, the Mojave Water Agency (hereafter, "cross-complainant") is, and at all times mentioned in this complaint was, a self-governing special water district duly organized and operating pursuant to the Mojave Water Agency Law, California Water Code Appendix Section 97. Pursuant thereto, cross-complainant has statutory authority to "do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency, including, without limiting the generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial,

**SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT**

1 industrial, and recreational uses.” (Stats. 1959, ch. 2146, section 15, p. 5134; 72A West’s Ann.  
2 Wat.–Appen. (1999 ed) section 97-15, subd. (a), p. 208.)

3 2. This amended cross-complaint supplements, but does not replace or supersede, the  
4 allegations and causes of action stated in cross-defendant’s First Amended Cross-Complaint  
5 filed on July 26, 1991.

6 3. Plaintiff is informed and believes, and based thereon alleges that:

7 a. Antonio Rosas, whose residential address is 12575 Hacienda Road, Phelan, CA  
8 92371-9571 and/or 10826 7<sup>th</sup> Avenue, Hesperia, CA 92345-2358, is the owner of  
9 APNs 0448-591-15-000, 0453-471-06-000, 0461-161-06-000, 3130-091-09-000,  
10 3131-351-06-000, and 3200-361-08-000 (collectively, “the Property”) located  
11 within the Basin Area and, by use of a water well or water wells located on the  
12 Property, is producing or allowing other persons to produce annually more than  
13 10 acre-feet of Basin groundwater and, also, is unlawfully cultivating cannabis  
14 plants on the Property, or allowing other persons to do so;

15 b. Tony Doung aka Tony Ly Thoc Doung, whose residential address is 2230 Gates  
16 Street, Los Angeles, CA 90031-2906, is the owner of APN 0452-371-02-000  
17 (“the Property”) located within the Basin Area and, by use of a water well or  
18 water wells located on the Property, is producing or allowing other persons to  
19 produce annually more than 10 acre-feet of Basin groundwater and, also, is  
20 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
21 to do so;

22 c. Jie Dong, whose residential address is 4618 Peck Road Unit B, El Monte, CA  
23 91732-4825, is the owner of APN 0461-021-08-000 (“the Property”) located  
24 within the Basin Area and, by use of a water well or water wells located on the  
25 Property, is producing or allowing other persons to produce annually more than  
26 10 acre-feet of Basin groundwater and, also, is unlawfully cultivating cannabis  
27 plants on the Property, or allowing other persons to do so;

28 ///

- 1 d. Henghe LLC, a California limited liability company, whose registered agent for  
2 service is Tingliang Huang, 22632 Goldensprings Drive Unit 340, Diamond Bar,  
3 CA 91765 or 15751 Gilbert Court, Victorville, CA92394-6725, is the owner of  
4 APNs 0457-061-06-000, 0457-061-07-000, 0457-061-13-000, and 0457-061-34-  
5 000 (“the Property”) located within the Basin Area and, by use of a water well or  
6 water wells located on the Property, is producing or allowing other persons to  
7 produce annually more than 10 acre-feet of Basin groundwater and, also, is  
8 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
9 to do so;
- 10 e. Alexhuu Ho and Liya Liu, whose residential address is 1306 S Raymond Avenue,  
11 Alhambra, CA91803-2339, are the owners of APN 0457-081-12-000 (“the  
12 Property”) located within the Basin Area and, by use of a water well or water  
13 wells located on the Property, is producing or allowing other persons to produce  
14 annually more than 10 acre-feet of Basin groundwater and, also, is unlawfully  
15 cultivating cannabis plants on the Property, or allowing other persons to do so;
- 16 f. King Adventure Farms and Ranch LLC, is a California limited liability company,  
17 whose registered agent for service is Mark King, 4797 West Phillips Street,  
18 Ontario, CA91762, is the owner of APNs 3131-101-01-000 and 3200-551-01-000  
19 (“the Property”) located within the Basin Area and, by use of a water well or  
20 water wells located on the Property, is producing or allowing other persons to  
21 produce annually more than 10 acre-feet of Basin groundwater and, also, is  
22 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
23 to do so;
- 24 g. Jierong Lin, whose residential address is 355 Frankfort Street, Daly City,  
25 CA94014-1318, is the owner of APN 0461-085-08-000 (“the Property”) located  
26 within the Basin Area and, by use of a water well or water wells located on the  
27 Property, is producing or allowing other persons to produce annually more than  
28 10 acre-feet of Basin groundwater and, also, is unlawfully cultivating cannabis

plants on the Property, or allowing other persons to do so;

h. Cresencio Ramirez and Victoria Ramirez, whose residential address is 10750 Bennett Drive, Fontana, CA92337-7549, are the owners of APNs 0457-082-19-000, 0457-112-14-000, 0457-112-24-000, 0457-122-23-000, and 0457-122-39-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, are producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, are unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

i. Agustin Rodriquez, whose residential address is 222 Grandview Lane, Grants Pass, OR97527-5324, is the owner of APN 0457-113-46-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, is unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

j. Ana Marie Marquez, whose residential address is 24577 Monterey Avenue, San Bernardino, CA92410-4943, is the owner of APN 0450-041-12-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, is unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

k. Quan Phu, whose residential address is 11807 Allisonville Road #158, Fishers, IN26038-2313, is the owner of APN 0452-081-69-000 (“the Property”) located within the Basin Area and, by use of a water well or water wells located on the Property, is producing or allowing other persons to produce annually more than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;

l. Amanda Qiaogun Baxter, whose residential address is 10026 Friesian Estates

1 Drive, Spring, TX77379-1415, is the owner of APNs 0457-073-01-000, 0457-  
2 392-02-000, 0457-392-06-000, and 3099-151-01-000 (“the Property”) located  
3 within the Basin Area and, by use of a water well or water wells located on the  
4 Property, is producing or allowing other persons to produce annually more than  
5 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating  
6 cannabis plants on the Property, or allowing other persons to do so;

7 m. Huawen Yang and Michael Ung Quoc, whose residential address is 3715  
8 Elderberry Circle, Corona, CA 92882-7990, and Johnson Yu Chang, Yu-Chuan  
9 Jennifer Chang, Chrisine Yu Chang, whose residential address is 752 Vineland  
10 Avenue, La Puente, CA91746-1913, are the owners of APN 0457-113-33-000  
11 (“the Property”) located within the Basin Area and, by use of a water well or  
12 water wells located on the Property, are producing or allowing other persons to  
13 produce annually more than 10 acre-feet of Basin groundwater and, also, may be  
14 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
15 to do so;

16 n. Biao Chen, whose residential address is 14442 Estella Street, Baldwin Park,  
17 CA91706-2624, is the owner of APN 3200-441-01-000 (“the Property”) located  
18 within the Basin Area and, by use of a water well or water wells located on the  
19 Property, is producing or allowing other persons to produce annually more than  
20 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating  
21 cannabis plants on the Property, or allowing other persons to do so;

22 o. Xiaolan Du, whose residential address is 10930 Basye Street, Unit E, El Monte,  
23 CA 91731-1689, is the owner of APN 0457-061-22-000 (“the Property”) located  
24 within the Basin Area and, by use of a water well or water wells located on the  
25 Property, is producing or allowing other persons to produce annually more than  
26 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating  
27 cannabis plants on the Property, or allowing other persons to do so;

28 p. Fuhong Huang, whose residential address is 1710 S. Del Mar Avenue, San

1 Gabriel, CA 91776-3852, is the owner of APN 0461-201-02-000 (“the Property”)   
2 located within the Basin Area and, by use of a water well or water wells located   
3 on the Property, is producing or allowing other persons to produce annually more   
4 than 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating   
5 cannabis plants on the Property, or allowing other persons to do so;

6 q. Shuteng Du, whose residential address is 1036 E. Main Street, Alhambra, CA   
7 91801-4109, is the owner of APN 0458-291-04-000 (“the Property”) located   
8 within the Basin Area and, by use of a water well or water wells located on the   
9 Property, is producing or allowing other persons to produce annually more than   
10 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating   
11 cannabis plants on the Property, or allowing other persons to do so;

12 r. Suzie Linxiuzi Liu, whose residential address is 13291 Dancy Street, Eastvale,   
13 CA92880-3111 is the owner of APN 0458-082-19-000 (“the Property”) located   
14 within the Basin Area and, by use of a water well or water wells located on the   
15 Property, is producing or allowing other persons to produce annually more than   
16 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating   
17 cannabis plants on the Property, or allowing other persons to do so;

18 s. Kong Zang Ni, whose residential address is 1362 Ellon Street, El Mirage,   
19 CA92301, is the owner of APNs 3131-201-01-000, 3200-361-11-000, 3200-601-   
20 04-000 (“the Property”) located within the Basin Area and, by use of a water well   
21 or water wells located on the Property, is producing or allowing other persons to   
22 produce annually more than 10 acre-feet of Basin groundwater and, also, may be   
23 unlawfully cultivating cannabis plants on the Property;

24 t. J Sanchez aka J Trinidad Munoz Sanchez, whose residential address is 350 S.   
25 Willow Avenue, SPC 63, Rialto, CA92376-6342, is the owner of APN 3100-291-   
26 05-000 (“the Property”) located within the Basin Area and, by use of a water well   
27 or water wells located on the Property, is producing or allowing other persons to   
28 produce annually more than 10 acre-feet of Basin groundwater and, also, may be



1 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
2 to do so;

3 u. Shunxing Weng, whose residential address is 135 W. Newmark Avenue,  
4 Apartment A, Monterey Park, CA91754-3396, is the owner of APN 0457-013-20-  
5 000 (“the Property”) located within the Basin Area and, by use of a water well or  
6 water wells located on the Property, is producing or allowing other persons to  
7 produce annually more than 10 acre-feet of Basin groundwater and, also, may be  
8 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
9 to do so;

10 v. Xiangmao Wu, whose residential address is 20650 Sheep Creek Road, El Mirage,  
11 CA92301-9533, is the owner of APN 0457-041-14-000 (“the Property”) located  
12 within the Basin Area and, by use of a water well or water wells located on the  
13 Property, is producing or allowing other persons to produce annually more than  
14 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating  
15 cannabis plants on the Property, or allowing other persons to do so;

16 w. Wencui Xiao, whose residential address is 1888 Berryhill Drive, Chino Hills,  
17 CA91709-5937, is the owner of APN 0461-072-69-000 (“the Property”) located  
18 within the Basin Area and, by use of a water well or water wells located on the  
19 Property, is producing or allowing other persons to produce annually more than  
20 10 acre-feet of Basin groundwater and, also, may be unlawfully cultivating  
21 cannabis plants on the Property, or allowing other persons to do so;

22 x. Jingzhe Zhao and Xiuli Xue, whose residential address is 408 S. Electric Avenue,  
23 Alhambra, CA 91803-1628, are the owners of APN 0457-021-43-000 (“the  
24 Property”) located within the Basin Area and, by use of a water well or water  
25 wells located on the Property, is producing or allowing other persons to produce  
26 annually more than 10 acre-feet of Basin groundwater and, also, may be  
27 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
28 to do so;

- 1 y. Zhiwei Zhao, whose residential address is 6831 Padova Court, Rancho  
2 Cucamonga, CA91701-8535, is the owner of APN 3200-351-02-000 (“the  
3 Property”) located within the Basin Area and, by use of a water well or water  
4 wells located on the Property, is producing or allowing other persons to produce  
5 annually more than 10 acre-feet of Basin groundwater and, also, may be  
6 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
7 to do so;
- 8 z. Dequan Li and Yuanqing Zhang, whose residential address is 23605 Ridgecrest  
9 Court, Diamond Bar, CA91765-6108, are the owners of APN 3099-261-01-000  
10 (“the Property”) located within the Basin Area and, by use of a water well or  
11 water wells located on the Property, is producing or allowing other persons to  
12 produce annually more than 10 acre-feet of Basin groundwater and, also, may be  
13 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
14 to do so;
- 15 aa. Jose Luis Jaime, whose residential address is 55346 Pipes Canyon Road, Yucca  
16 Valley, CA92284-4505 or 11624 Midway Avenue, Lucerne Valley, CA92356-  
17 8778, is the owner of APNs 0450-025-04-000 and 0450-025-22-000 (“the  
18 Property”) located within the Basin Area and, by use of a water well or water  
19 wells located on the Property, is producing or allowing other persons to produce  
20 annually more than 10 acre-feet of Basin groundwater and, also, may be  
21 unlawfully cultivating cannabis plants on the Property, or allowing other persons  
22 to do so;
- 23 ab. Ran Hee Paeng, whose residential address is 12775 Ivanhoe Road, Lucerne  
24 Valley, CA92356-8294, is the owner of APN 0464-141-29-000 (“the Property”)   
25 located within the Basin Area and, by use of a water well or water wells located  
26 on the Property, is producing or allowing other persons to produce annually more  
27 than 10 acre-feet of Basin groundwater;
- 28 ac. The Chin Family Life Estate Trust, whose address is 15648 Meridian Road,  
SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

1 Lucerne Valley, CA92356-9008, is the owner of APN 0453-062-69-000 ("the  
2 Property") located within the Basin Area and, by use of a water well or water  
3 wells located on the Property, is producing or allowing other persons to produce  
4 annually more than 10 acre-feet of Basin groundwater;

5 ad. Chung Won Kim, whose residential address is 15565 Meridian Road Lucerne  
6 Valley, CA 92356-7030, is the owner of APN 0453-032-64-000 ("the Property")  
7 located within the Basin Area and, by use of a water well or water wells located  
8 on the Property, is producing or allowing other persons to produce annually more  
9 than 10 acre-feet of Basin groundwater;

10 ae. Jose De Jesus Ayon, Felicitas Ayon, Josefina Perez, Abel Perez, Norma Carvajal,  
11 and Salvador Ayon whose residential address is 752 Vineland Avenue, La Puente,  
12 CA91746-1913, are the owners of APN 0457-241-36-000 ("the Property") located  
13 within the Basin Area and, by use of a water well or water wells located on the  
14 Property, is producing or allowing other persons to produce annually more than  
15 10 acre-feet of Basin groundwater;

16 af. Jiyeon K. Song, whose residential address is 183 Lockford, Irvine, CA92602-  
17 0952, is the owner of APN 3099-171-21-000 ("the Property") located within the  
18 Basin Area and, by use of a water well or water wells located on the Property, is  
19 producing or allowing other persons to produce annually more than 10 acre-feet  
20 of Basin groundwater;

21 ag. Jilin Xiao and Xiaoli Dang, whose residential address is 43 Lyndhurst, Irvine,  
22 CA92620-2141, are the owners of APN 0450-025-16-000 ("the Property") located  
23 within the Basin Area and, by use of a water well or water wells located on the  
24 Property, is producing or allowing other persons to produce annually more than  
25 10 acre-feet of Basin groundwater;

26 ah. Jae Chang Joo and Ran Sook Jung, whose residential address is 1234 Western  
27 Avenue, Los Angeles, CA90006 and/or 2530 W 18<sup>th</sup> Street, Los Angeles,  
28 CA90019-6214, are the owners of APNs 0452-121-24-000 and 0452-121-25-000

1 (“the Property”) located within the Basin Area and, by use of a water well or  
2 water wells located on the Property, is producing or allowing other persons to  
3 produce annually more than 10 acre-feet of Basin groundwater;

4 ai. Young Joo Lee and Hosull Lee, whose residential address is P.O. Box 826,  
5 Lucerne Valley, CA92356-0826, are the owners of APN 0450-022-37-000 (“the  
6 Property”) located within the Basin Area and, by use of a water well or water  
7 wells located on the Property, is producing or allowing other persons to produce  
8 annually more than 10 acre-feet of Basin groundwater;

9 aj. En A Choi, whose residential address is 14117 S. Ainsworth Street, Gardena,  
10 CA90247-2131, is the owner of APNs 0451-111-10-000 and 0452-051-45-000  
11 (“the Property”) located within the Basin Area and, by use of a water well or  
12 water wells located on the Property, is producing or allowing other persons to  
13 produce annually more than 10 acre-feet of Basin groundwater;

14 ak. The Fasoja Living Trust, whose residential address is P.O. Box 2847, Apple  
15 Valley, CA92307-0054, is the owner of APN 0449-131-11-000 (“the Property”)   
16 located within the Basin Area and, by use of a water well or water wells located  
17 on the Property, is producing or allowing other persons to produce annually more  
18 than 10 acre-feet of Basin groundwater;

19 al. Mingxiang Sun, whose residential address is 225 N. Baltimore Avenue, Apt B,  
20 Monterey Park, CA91754-1672, is the owner of APN 3101-041-04-000 (“the  
21 Property”) located within the Basin Area and, by use of a water well or water  
22 wells located on the Property, is producing or allowing other persons to produce  
23 annually more than 10 acre-feet of Basin groundwater, and also may be  
24 cultivating cannabis plants on the Property, or allowing other persons to do so;

25 am. Come Mission Inc., whose registered agent for service is Minkyoungh Jung, and  
26 whose address is 1520 James M Wood Blvd., Los Angeles, CA90015-1110, is the  
27 owner of APN 0451-132-09-000 (“the Property”) located within the Basin Area  
28 and, by use of a water well or water wells located on the Property, is producing

1 or allowing other persons to produce annually more than 10 acre-feet of Basin  
2 groundwater;

3 an. Jasper Young Kim and Joy Boonwha Kim, whose residential address is 2665  
4 Amber Wood Place, Thousand Oaks, CA91362-1231, is the owner of APN 0451-  
5 424-01-000 ("the Property") located within the Basin Area and, by use of a water  
6 well or water wells located on the Property, is producing or allowing other  
7 persons to produce annually more than 10 acre-feet of Basin groundwater;

8 ao. Chong Chol Kim and Kyung Kim, whose residential address is 9494 Baker Road,  
9 Lucerne Valley, CA7290, are the owners of APNs 0451-146-12-000 and 0451-  
10 146-36-000 ("the Property") located within the Basin Area and, by use of a water  
11 well or water wells located on the Property, is producing or allowing other  
12 persons to produce annually more than 10 acre-feet of Basin groundwater;

13 ap. Vincenzo Cappelino and Theresa Cappelino, whose residential address is 13571  
14 Choco Road, Apple Valley, CA92308-4545, are the owners of APN 0450-163-24-  
15 000 ("the Property") located within the Basin Area and, by use of a water well or  
16 water wells located on the Property, is producing or allowing other persons to  
17 produce annually more than 10 acre-feet of Basin groundwater;

18 aq. Raul Ovidio Prudencio, Trustee of The Raul O Prudencio Living Trust, whose  
19 residential address is 10880 Kendall Road, Lucerne Valley, CA92356-9303, is the  
20 owner of APNs 0451-481-04-000 and 0451-031-14-000 ("the Property") located  
21 within the Basin Area and, by use of a water well or water wells located on the  
22 Property, is producing or allowing other persons to produce annually more than  
23 10 acre-feet of Basin groundwater;

24 ar. Young Hee Lee, whose address is P.O. Box 1367, Lucerne Valley, CA 92356-  
25 1367, is the owner of APN 0450-162-01-000 ("the Property") located within the  
26 Basin Area and, by use of a water well or water wells located on the Property, is  
27 producing or allowing other persons to produce annually more than 10 acre-feet  
28 of Basin groundwater;

1 as. Wayne Thomas Schaefer, Steven Richard Schaefer, and Cheryl Ann Schaefer  
2 whose residential address is 20901 E. Walnut Canyon Road, Walnut, CA 91789-  
3 5004, are the owners of APNs 0449-111-10-000 and 0451-146-04-000 ("the  
4 Property") located within the Basin Area and, by use of a water well or water  
5 wells located on the Property, are producing or allowing other persons to produce  
6 annually more than 10 acre-feet of Basin groundwater;

7 at. Lucerne Valley Unified School District, whose address is 8560 Aliento Road,  
8 Lucerne Valley, CA 92356, is the owner of APNs 0450-051-20-000, 0450-081-  
9 28-000, 0450-081-47-000 and 0449-111-02-000 ("the Property") located within  
10 the Basin Area and, by use of a water well or water wells located on the Property,  
11 is producing annually more than 10 acre-feet of Basin groundwater;

12 4. Cross-defendants Roe 1 through 1000, inclusive, are sued in this cross-complaint under  
13 fictitious names. Their true names and capacities are unknown to cross-complainant. When their  
14 true names and capacities are ascertained, cross-complainant will amend this cross-complaint  
15 by inserting their true names and capacities herein. Cross-complainant is informed and believes,  
16 and thereon alleges, that each of the fictitiously named cross-defendants is responsible in some  
17 manner for the occurrences alleged in this cross-complaint, and that the damage to the Basin as  
18 alleged in this cross-complaint was proximately caused by those cross-defendants.

19 5. On July 26, 1991, MWA filed its First Amended Cross-Complaint in this action,  
20 identifying and naming necessary parties to the action, and requesting a declaration that the  
21 available native water supply to the Mojave Basin Area is inadequate to meet the demands of  
22 the combined parties and requesting a determination of the water rights of whatever nature  
23 within the MWA boundaries and the Mojave Basin Area.

24 6. On January 10, 1996, Judgment After Trial was entered in the action. In pertinent part,  
25 the Judgment provides:

26 q. Minimal Producer – Any Person whose Base Annual Production, as verified by MWA  
27 is not greater than ten (10) acre-feet. A Person designated as a Minimal Producer whose  
28 annual Production exceeds ten (10) acre-fee in any Year following the date of entry of  
Judgment is no longer a Minimal Producer.

1 (Pages 9-10)

2 Any Minimal Producer whose annual Production exceeds ten (10) acre-feet in any Year  
3 following the date of entry of Judgment **shall be made a party** [to this action] pursuant  
4 to Paragraph 12 and shall be subject to Administrative, Replacement Water, Makeup  
Water and Biological Resources Assessment.

5 (Page 5, emphasis added.)

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

8 (Page 22)

9 a. Jurisdiction. This Court has jurisdiction to enter Judgment declaring and adjudicating  
10 the rights to **reasonable and beneficial use** of water by the parties in the Mojave Basin  
Area pursuant to Article X, Section 2 of the California Constitution.

11 (Page 3; emphasis added.)

12 7. Article 10, Section 2 of the California Constitution provides that, “because of the  
13 conditions prevailing in this State the general welfare requires that the water resources of the  
14 State be put to beneficial use to the fullest extent of which they are capable, and that the waste  
15 or unreasonable use or unreasonable method of use of water be prevented, and that the  
16 conservation of such waters is to be exercised with a view to the reasonable and beneficial use  
17 thereof in the interest of the people and for the public welfare.”

18 8. The purpose and objective of the Physical Solution in the Judgment entered in this action  
19 “is to establish a legal and practical means for making the maximum **reasonable beneficial use**  
20 of the waters of the Basin Area . . .” (Judgment, para. 20; emphasis added.) Use of the Basin’s  
21 limited water supply to unlawfully cultivate cannabis plants, by definition, is not a reasonable  
22 or beneficial use and, therefore, should be enjoined and prohibited to prevent further overdraft  
23 of the Basin and to protect and preserve the limited water supply within the Basin.

24 9. Cross-complainant was appointed and is acting under the Judgment as Watermaster “to  
25 administer and enforce the provisions of this Judgment and any subsequent orders of this Court  
26 issued in the performance of its continuing jurisdiction” (para. 23 of the Judgment). Paragraph  
27 24, subdivision “u” of the Judgment, authorizes the cross-complainant, in its role as  
28 Watermaster, “To bring such action or motion as is necessary to enjoin unauthorized Production

1 as provided in Paragraph 12 hereinabove.” Paragraph 12 of the Judgment provides:

2 Because of the existence of Overdraft, any Production outside the framework of this  
3 Judgment and Physical Solution will contribute to an increased Overdraft, potentially  
4 damage the Mojave Basin Area and public interests in the Basin Area, injure the rights  
5 of all Parties, and interfere with the Physical Solution. **Watermaster shall bring an  
6 action or a motion to enjoin any Production that is not pursuant to the terms of this  
7 Judgment.** (Emphasis added.)

8 10. On June 23, 2021, the Court encouraged the cross-complainant to: identify parties or non-  
9 parties who are producing water contrary to the provisions of the Judgment; attempt to persuade  
10 such non-parties to stipulate to the Physical Solution in the Judgment; and, if necessary, file an  
11 action to enjoin improper or unauthorized production or use of Basin groundwater (see  
12 6/23/2021 Transcript., 7:14-8:7; 9:26-10:9).

13 11. Section 84.34.030 of the San Bernardino County Code prohibits the operation of  
14 commercial cannabis activity, and specifically provides:

15 It shall be unlawful for any person to conduct, cause to be conducted, or permit to be  
16 conducted, a commercial cannabis activity within the unincorporated area of the County.

17 12. Section 84.34.020(e) defines “commercial cannabis activity” as:

18 Any enterprise or activity, whether or not for profit, gain or benefit, concerning the  
19 cultivation, production, storage, processing, manufacture, dispensing, delivery,  
20 distribution, laboratory testing, transportation, provision, or sale of cannabis or cannabis  
21 products, for medical purposes or otherwise.

22 13. Section 84.34.020(f) defines “cultivation” as “Any activity involving the planting,  
23 growing, harvesting, drying, curing, grading, or trimming of cannabis . . .”

24 14. Cross-defendants’ unauthorized or unlawful conduct, or conduct contrary to the terms  
25 of the Judgment, unless and until enjoined and restrained by order or amended judgment of this  
26 court, will cause additional overdrafting of the Basin’s groundwater, and great and irreparable  
27 injury to the Basin and to the rights of the parties to the Judgment.

28 15. Cross-complainant and the Basin stakeholders have no adequate remedy at law for the  
injuries that are being suffered and will be suffered, as it will be impossible for cross-  
complainant and the Basin stakeholders to determine the precise amount of damage that will be  
suffered if cross-defendants’ conduct is not restrained. Additionally, the Judgment entered  
herein specifically authorizes cross-complainant to bring an action to enjoin any Production that



1 is not pursuant to the terms of the Judgment, and to join in the action any person who produces  
2 annually more than 10 acre-feet of groundwater.

3 **FIRST CAUSE OF ACTION**

4 (Persons producing annually more than 10 acre-feet -- against Non-Party Cross-Defendants  
5 and Roes 1 through 600)

6 16. Cross-complainant incorporates herein as though set forth in full herein the allegations  
7 of paragraphs 1 through 15 above.

8 17. Cross-complainant is informed and believes, and thereon alleges that cross-defendants,  
9 Quan Phu, Amanda Qiaogun Baxter, Huawen Yang, Michael Ung Quoc, Biao Chen, Xiaolan  
10 Du, Fuhong Huang, Shuteng Du, Suzie Linxuzi Liu, Kong Zang Ni, J Sanchez aka J Trinidad  
11 Munoz Sanchez, Shunxing Weng, Xiangmao Wu, Wenci Xiao, Jingzhe Zhao, Xiuli Xue,  
12 Zhiwei Zhao, Dequan Li, Yaunqing Zhang, Jose Luis Jaime, Ran Hee Paeng, The Chin Family  
13 Life Estate Trust, Chung Won Kim, Jose De Jesus Ayon, Felicitas Ayon, Josefina Perez, Abel  
14 Perez, Norma Carvajal, Salvador Ayon, Jiyeon K. Song, Jilin Xiao, Xiaoli Dang, Jae Chang Joo,  
15 Ran Sook Jung, Young Joo Lee, Hosull Lee, En A Choi, The Fasoja Living Trust, Mingxiang  
16 Sun, Come Mission Inc., Jasper Young Kim, Joy Boonwha Kim, Chong Chol Kim, Kyung Kim,  
17 Vincenzo Cappelino, Theresa Cappelino, Raul Ovidio Prudencio (Trustee of the Raul O  
18 Prudencio Living Trust), Young Hee Lee, Wayne Thomas Schaefer, Steven Richard Schaefer,  
19 Cheryl Ann Schaefer, Lucerne Valley Unified School District, and ROES 1 through 600  
20 (hereafter, "Non-Party Cross-Defendants") are non-parties to the Judgment and are producing  
21 annually more than 10 acre-feet of Basin groundwater.

22 18. The Judgment entered herein requires that such Non-Party Cross-Defendants be made  
23 parties to the action and, also, be subject to Administrative, Replacement Water, Makeup Water  
24 and Biological Resources Assessment.

25 19. Accordingly, the Non-Party Cross-Defendants should be required to either stipulate to  
26 the Physical Solution in the Judgment, or separately establish and prove their right, if any, to  
27 produce or use Basin groundwater; and that they be enjoined and restrained from producing  
28 Basin groundwater contrary to the terms of the Judgment.

**SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT**

1 **SECOND CAUSE OF ACTION**

2 (Persons producing/using Basin groundwater to cultivate cannabis/marijuana -- against  
3 Cannabis Grower Cross-Defendants and Roes 601 through 1000)

4 20. Cross-complainant incorporates herein as though set forth in full herein the allegations  
5 of paragraphs 1 through 15 above, and 25 through 29 below.

6 21. Cross-complainant is informed and believe, and thereon alleges that cross-defendants  
7 Antonio Rosas, Tony Doung aka Tony Ly Thoc Doung, Jie Dong, Henghe LLC, Alexlu Ho,  
8 Liya Liu, King Adventure Farms and Ranch LLC, Jierong Lin, Cresencio Ramirez, Victoria  
9 Ramirez, Agustin Rodriquez, Anna Marie Marquez, and ROES 601 through 1000 (hereafter,  
10 "Cannabis Grower Cross-Defendants") are producing or using Basin groundwater for illegal  
11 cultivation of cannabis/marijuana as defined and prohibited in San Bernardino County Code  
12 section 84.34.

13 22. Plaintiff is informed and believes, and thereon alleges that each of the Cannabis Grower  
14 Cross-Defendants has, and at all times relevant hereto had, actual or constructive knowledge of  
15 the unlawful use of Basin groundwater produced or used as aforesaid, and each of them is  
16 causing, leasing, allowing, permitting, aiding, abetting, suffering or concealing unlawful  
17 cannabis/marijuana cultivation in violation of San Bernardino County Code section 84.34.

18 23. Producing or using Basin groundwater for unlawful cultivation of cannabis/marijuana  
19 is not a reasonable or beneficial use of water, and is not authorized or permitted under the terms  
20 of the Judgment. Accordingly, the Cannabis Grower Cross-Defendants should be permanently  
21 enjoined and prohibited from producing or using Basin groundwater to cultivate  
22 cannabis/marijuana.

23 **THIRD CAUSE OF ACTION**

24 (Nuisance *Per Se* for illegal land use in violation of San Bernardino Code section 84.34  
25 prohibiting commercial cannabis cultivation in unincorporated areas of the County -- against  
26 Cannabis Grower Cross-Defendants and Roes 601 through 1000)

27 24. Cross-complainant incorporates herein as though set forth in full herein the allegations  
28 of paragraphs 1 through 15 and 21 through 23 above.

1 25. Cross-complainant is informed and believes, and thereon alleges that from an exact date  
2 unknown, and at all times herein mentioned, the Cannabis Grower Cross-Defendants and Roes  
3 601 to 1,000 have knowingly caused, allowed, permitted, aided, abetted, suffered or concealed  
4 production or use of Basin groundwater for unlawful cannabis/marijuana cultivation in  
5 unincorporated areas of the County, and in violation of San Bernardino County Code section  
6 84.34.

7 26. Cross-complainant is informed and believes, and thereon alleges that the Basin has  
8 sustained great and irreparable injury because the use of Basin groundwater for unlawful  
9 cannabis cultivation causes, and has caused, further depletion and overdraft of the Basin  
10 groundwater, to the detriment of the Basin and all of its stakeholders.

11 27. The Basin stakeholders cannot be fully compensated in damages and are without a plain,  
12 speedy or adequate remedy at law because the exact amount of the damage and injury to the  
13 Basin, the stakeholders' interest therein, and the general public's health, safety and welfare are  
14 unascertainable.

15 28. Cross-complainant if informed and believes, and thereon alleges that unless each  
16 Cannabis Grower Cross-Defendant is restrained and enjoined by order of this court and/or the  
17 court provides other equitable relief permissible by law, the Cannabis Grower Cross-Defendants  
18 will continue to cause, lease, allow, permit, aid, abet, suffer or conceal the unlawful production  
19 and use of Basin groundwater for unlawful cultivation of cannabis/marijuana, in violation of this  
20 court's Judgment and San Bernardino County Code section 84.34.

21 29. Injunctive relief or appointment of a receiver to take possession of property, cease the  
22 production or use of Basin groundwater for unlawful cannabis cultivation, remove all fixtures  
23 and equipment used in aiding and abetting the nuisance, are necessary to secure compliance with  
24 the Judgment and the laws of the County of San Bernardino and to abate the public nuisance *per*  
25 *se* caused, allowed, permitted, aided, abetted, suffered or concealed by Cannabis Grower Cross-  
26 Defendants relating to their production or use of Basin groundwater for the unlawful purposes  
27 described herein.

28 ///

1 PRAYER FOR RELIEF

2 WHEREFORE, cross-complainant prays judgment against all cross-defendants as  
3 follows:

4 AS TO FIRST CAUSE OF ACTION:

5 1. For an order requiring that the Non-Party Cross-Defendants and Roes 1 through  
6 600 either stipulate to become parties to the Physical Solution in the Judgment, or  
7 litigate and prove their right, if any, to produce Basin groundwater; and that they be  
8 enjoined and restrained from producing Basin groundwater contrary to the terms of the  
9 Judgment.

10 AS TO SECOND AND THIRD CAUSES OF ACTION:

11 2. For an order requiring the Cannabis Grower Cross-Defendants and Roes 601  
12 through 1,000 to show cause, if any they have, why they should not be enjoined as set  
13 forth in this cross-complaint, during the pendency of this action;

14 3. For a temporary restraining order, a preliminary injunction, and a permanent  
15 injunction, all enjoining and prohibiting each of the Cannabis Grower Cross-Defendants  
16 and Roes 601 through 1,000, and their respective agents, servants, and employees, and  
17 all persons acting under, in concert with, or for them:

18 a. From producing or using Basin Area groundwater to cultivate  
19 cannabis/marijuana, as defined and prohibited in section 84.34 of the San Bernardino  
20 County Code;

21 b. To dismantle all equipment, fixtures, materials and structures of any kind  
22 or nature used to produce or use Basin Area groundwater to cultivate  
23 cannabis/marijuana, as defined and prohibited in section 84.34 of the San Bernardino  
24 County Code.

25 4. For an order appointing a receiver to take possession of the equipment, fixtures,  
26 materials and structures which are being used to produce or use Basin groundwater for  
27 illegal cultivation of cannabis/marijuana, and to dismantle and remove all equipment and  
28 fixtures used for the purpose of producing or using Basin groundwater to unlawfully

1 cultivate cannabis/marijuana.

2 AS TO ALL CAUSES OF ACTION:

3 5. For costs of suit incurred in this action; and

4 6. For such other and further relief as the court deems proper.

5 Dated: May 19, 2022

**BRUNICK, McELHANEY & KENNEDY PLC**

6  
7 By: 

William J. Brunick

Leland P. McElhaney

Attorneys for Defendant/Cross-complainant,  
MOJAVE WATER AGENCY

## **EXHIBIT B**

BRUNICK, MCELHANEY & KENNEDY

PROFESSIONAL LAW CORPORATION

1839 COMMERCENTER WEST

SAN BERNARDINO, CALIFORNIA 92408

WILLIAM J. BRUNICK  
LELAND P. MCELHANEY  
STEVEN M. KENNEDY

TELEPHONE: (909) 889-8301  
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MAILING ADDRESS:

POST OFFICE BOX 13130

SAN BERNARDINO, CALIFORNIA 92423-3130

March 18, 2022

Felicitas Ayon  
752 Vineland Avenue  
La Puente, CA91746-1913

Re: Groundwater Usage

Dr. Mrs. Ayon:

The Mojave Water Agency ("MWA"), acting as Watermaster of the adjudicated groundwater basins in *Barstow v. City of Adelanto* (1996) Riverside Superior Court Case No. 208568 ("the Action"), has confirmed you own, are leasing or are otherwise using real property identified as APN 0457-241-36-000 ("the Property") – which is located within the boundaries of the groundwater Basin adjudicated in the Action. MWA has further determined that more than 10 acre feet of groundwater is being produced annually from the well(s) located on the Property. That is important because the Judgment entered in the Action provides that, "Any Minimal Producer whose annual Production exceeds ten (10) acre-feet in any Year following the date of entry of Judgment **shall be made a party** [to the litigation] . . . and shall be subject to Administrative, Replacement Water, Makeup Water and Biological Resources Assessment."

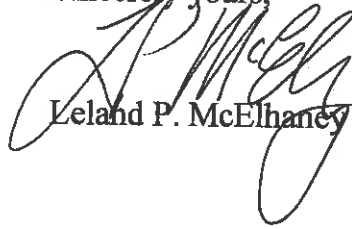
In conformance with the aforesaid provision of the Judgment, MWA intends to file an amendment to its cross-complaint filed in the Action to name you as an additional cross-defendant and **party** to the Action. You then will have the option either to litigate your claimed right to produce groundwater in the adjudicated basin, or stipulate to the physical solution approved in the Action. The latter option is far less expensive and time consuming, and will establish your right(s) to continue to produce annually a quantity of groundwater.

Enclosed herewith is a copy of documentation that must be prepared and submitted in order for you to stipulate to the Physical Solution and have your water rights determined and established pursuant to the terms of the Judgment. If you agree to that

option, we will assist you in preparing and completing the documentation, and filing same with the court.

If you have any questions or would like to schedule a meeting to discuss the foregoing, please telephone me at your earliest convenience at 909-889-8301 or at the e-mail address indicated in this letter. If you do not do so, or if you fail to respond within 10 business days following the date of this letter, MWA will file a motion for leave to amend its cross-complaint to name you as an additional party to the Action.

Sincerely yours,



Leland P. McElhaney

/lpm  
Enc. as stated



1 Department 1  
2 Riverside County Superior Court  
3 4050 Main Street  
4 Riverside, CA 92501  
5 (951) 777-3067  
6  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF RIVERSIDE**

10 **CITY OF BARSTOW, et al.,**

11 **v.**

**Plaintiffs**

**CASE NO. CIV 208568**

12 **CITY OF ADELANTO, et al.,**

**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 "[Last  
19 Name]", agrees and stipulates 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.  
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4. [Last Name] further stipulates to a Base Annual Production Right of #,### acre-feet.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Full Name of Intervenor]

**BRUNICK, McELHANEY & KENNEDY PLC**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
William J. Brunick, Attorney for Defendant &  
Cross-Complainant, MOJAVE WATER AGENCY

**ORDER PURSUANT TO STIPULATION**

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

- A. The requested leave to intervene is granted. [Full Name of Intervenor] is hereby made a party to this action and is bound by the terms of the Judgment after Trial, dated January 10, 1996 as thereafter amended.
- B. This order is conditioned on there being no meritorious objections to the intervention. If any party to this action opposes the intervention of [Full Name of Intervenor] for any reason, that party shall file a written objection to the intervention with the Court no later than 30 days from the date that the Watermaster sends out written notice of this order.
- C. If any such objection is filed, the party filing the objection shall deliver a copy of that party's objection to the Watermaster no later than three court days after the filing date.
- D. The Watermaster shall promptly serve copies of the objection on all other parties and shall file a proof of service with the Court.
- E. Upon receiving a conformed copy of an objection, the Watermaster shall request a hearing date from the Court.
- F. If no objection is filed within the time specified above, then this order granting intervention and submitting the intervenor to the terms of the Judgment after Trial shall become final and unconditional without further order of this Court.
- G. If an objection is filed but overruled following a hearing on that objection, then the order shall become final and unconditional upon the entry of the order overruling that objection.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Craig G. Riemer  
Judge of the Superior Court

BRUNICK, MCELHANEY & KENNEDY

PROFESSIONAL LAW CORPORATION

1839 COMMERCENTER WEST

SAN BERNARDINO, CALIFORNIA 92408

TELEPHONE: (909) 889-8301

FAX: (909) 388-1889

WILLIAM J. BRUNICK  
LELAND P. MCELHANEY  
STEVEN M. KENNEDY

MAILING ADDRESS:

POST OFFICE BOX 13130

SAN BERNARDINO, CALIFORNIA 92423-3130

March 17, 2022

Amanda Qiaoqun Baxter  
10026 Friesian Estates  
Spring, TX 77379

Re: Groundwater Usage

Dear Ms. Baxter:

The Mojave Water Agency ("MWA"), acting as Watermaster of the adjudicated groundwater basin in *Barstow v. City of Adelanto* (1996) Riverside Superior Court Case No. 208568 ("the Action"), has confirmed you own, are leasing, or are otherwise using real property identified as APNs 0457-392-06000, 0457-073-01000, 0457-392-02000, 3099-151-01000 ("the Property") – which is located within the boundaries of the groundwater basins adjudicated in the Action. MWA has further determined that more than 10 acre feet of groundwater is or likely is being produced annually from the well(s) located on the Property.

This is significant because the Judgment entered in the Action provides that, "Any Minimal Producer whose annual Production exceeds ten (10) acre-feet in any Year following the date of entry of Judgment **shall be made a party** [to the litigation] . . . and shall be subject to Administrative, Replacement Water, Makeup Water and Biological Resources Assessment."

It also has been suggested that the crop grown on the Property is hemp; accordingly, we wish to confirm that cannabis plants are not being commercially cultivated illegally on the Property with the use of Basin groundwater. In this connection, the Judgment further provides that: "This Court has jurisdiction to enter Judgment declaring and adjudicating the rights to **reasonable and beneficial use** of water by the parties in the Mojave Basin Area . . .; and "Each and every Party, its officers, agents, employees, successors, and assigns, is **ENJOINED AND RESTRAINED** from Producing Water from the Basin Area except pursuant to the provisions of the Physical Solution in

this Judgment.”

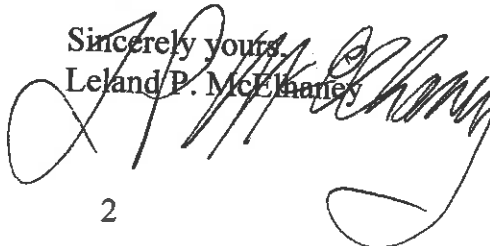
Therefore, the Judgment and the California Constitution (Article X, section 2) preclude use of groundwater for any purpose that is not “reasonable and beneficial.” Section 84.34.030 of the San Bernardino County Code prohibits and makes unlawful any commercial cannabis activity, and specifically provides: “It shall be unlawful for any person to conduct, cause to be conducted, or permit to be conducted, a commercial cannabis activity within the unincorporated area of the County.” Section 84.34.020(e) defines “commercial cannabis activity” as: “Any enterprise or activity, whether or not for profit, gain or benefit, concerning the cultivation, production, storage, processing, manufacture, dispensing, delivery, distribution, laboratory testing, transportation, provision, or sale of cannabis or cannabis products, for medical purposes or otherwise.” Section 84.34.020(f) defines “cultivation” as “Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis . . .”

The production or use of basin groundwater for an unlawful purpose (i.e., commercial cultivation of cannabis plants in the County of San Bernardino) is, by definition, not a “reasonable and beneficial use” of groundwater.

For the foregoing reasons and in conformance with the aforesaid provisions of the Judgment, MWA intends to file an amendment to its cross-complaint filed in the Action to name you as an additional cross-defendant and **party** to the Action and, among other things, to obtain a Judgment therein enjoining you, and any of your agents, lessees, representatives or employees from producing or using groundwater within the adjudicated Basin, or any of its Subareas, for the purpose of commercially cultivating and harvesting cannabis plants or their products or bi-products -- if it is established the Property has been used, or is being used, for that purpose.

If you have any questions or would like to schedule a meeting to discuss the foregoing, please telephone me at your earliest convenience at 909-889-8301. If you do not do so, or if you fail to respond within 10 business days following the date of this letter, MWA will file a motion for leave to amend its cross-complaint to name you as an additional party to the Action and, among other things, to seek entry of a judgment enjoining you, and any of your agents, lessees, representatives, or employees from producing or using Basin groundwater for the cultivation and harvesting of cannabis plants and their products or bi-products.

Sincerely yours,  
Leland P. McElhenny



/lpm

# **EXHIBIT C**

BRUNICK, MCELHANEY & KENNEDY

PROFESSIONAL LAW CORPORATION

1839 COMMERCENTER WEST

SAN BERNARDINO, CALIFORNIA 92408

TELEPHONE: (909) 889-8301

FAX: (909) 388-1889

WILLIAM J. BRUNICK  
LELAND P. MCELHANEY  
STEVEN M. KENNEDY

MAILING ADDRESS:

POST OFFICE BOX 13130

SAN BERNARDINO, CALIFORNIA 92423-3130

March 17, 2022

Antonio Rosas  
12575 Hacienda Road  
Phelan, CA 92371-9571

Re: Groundwater Usage

Dear Mr. Rosas:

The Mojave Water Agency ("MWA"), acting as Watermaster of the adjudicated groundwater basin in *Barstow v. City of Adelanto* (1996) Riverside Superior Court Case No. 208568 ("the Action"), has confirmed you own, are leasing, or are otherwise using real property identified as APNs 0453-471-06000, 0461-161-06000, 3130-091-09000, 3131-351-06000 and 3200-361-08000 ("the Property") – which is located within the boundaries of the groundwater basins adjudicated in the Action. MWA has further determined that more than 10 acre feet of groundwater is being produced annually from the well(s) located on the Property. This is important because the Judgment entered in the Action provides that, "Any Minimal Producer whose annual Production exceeds ten (10) acre-feet in any Year following the date of entry of Judgment **shall be made a party** [to the litigation] . . . and shall be subject to Administrative, Replacement Water, Makeup Water and Biological Resources Assessment."

MWA has further confirmed that cannabis plants are being grown on the Property. In this connection, the Judgment further provides that: "This Court has jurisdiction to enter Judgment declaring and adjudicating the rights to **reasonable and beneficial use** of water by the parties in the Mojave Basin Area . . .; and "Each and every Party, its officers, agents, employees, successors, and assigns, is **ENJOINED AND RESTRAINED** from Producing Water from the Basin Area except pursuant to the provisions of the Physical Solution in this Judgment."

Therefore, the Judgment and the California Constitution (Article X, section 2) preclude use of groundwater for any purpose that is not "reasonable and beneficial."

Section 84.34.030 of the San Bernardino County Code prohibits and makes unlawful any commercial cannabis activity, and specifically provides: "It shall be unlawful for any person to conduct, cause to be conducted, or permit to be conducted, a commercial cannabis activity within the unincorporated area of the County." Section 84.34.020(e) defines "commercial cannabis activity" as: "Any enterprise or activity, whether or not for profit, gain or benefit, concerning the cultivation, production, storage, processing, manufacture, dispensing, delivery, distribution, laboratory testing, transportation, provision, or sale of cannabis or cannabis products, for medical purposes or otherwise." Section 84.34.020(f) defines "cultivation" as "Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis . . ."

The production or use of basin groundwater for an unlawful purpose (i.e., commercial cultivation of cannabis plants in the County of San Bernardino) is, by definition, not a "reasonable and beneficial use" of groundwater.

For the foregoing reasons and in conformance with the aforesaid provisions of the Judgment, MWA intends to file an amendment to its cross-complaint filed in the Action to name you as an additional cross-defendant and **party** to the Action and, among other things, to obtain a Judgment therein enjoining you, and any of your agents, lessees, representatives or employees from producing or using groundwater within the adjudicated Basin, or any of its Subareas, for the purpose of commercially cultivating and harvesting cannabis plants or their products or bi-products.

If you have any questions or would like to schedule a meeting to discuss the foregoing, please telephone me at your earliest convenience at 909-889-8301. If you do not do so, or if you fail to respond within 10 business days following the date of this letter, MWA will file a motion for leave to amend its cross-complaint to name you as an additional party to the Action and, among other things, to seek entry of a judgment enjoining you, and any of your agents, lessees, representatives, or employees from continuing to produce or use Basin groundwater for the cultivation and harvesting of cannabis plants and their products or bi-products.

Sincerely yours,

  
Leland P. McElhaney

/lpm



## **EXHIBIT D**

1 William J. Brunick, Esq. (State Bar No 46289)  
2 Leland P. McElhaney, Esq. (State Bar No. 39257)  
3 BRUNICK, McELHANEY & KENNEDY PLC  
1839 Commercenter West  
San Bernardino, California 92408-3303

NO FEE PER GOV'T. CODESEC. 6103

4 MAILING:  
5 P.O. Box 13130  
San Bernardino, California 92423-3130

6 Telephone: (909) 889-8301  
7 Facsimile: (909) 388-1889

8 Attorneys for Defendant/Cross-Complainant  
9 MOJAVE WATER AGENCY

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

12  
13 CITY OF BARSTOW, et al.,

14 Plaintiff,

15 vs.

16 CITY OF ADELANTO, et al.,

17 Defendant,

CASE NO. CIV 208568

**DECLARATION OF ROBERT C.  
WAGNER, P.E. IN SUPPORT OF  
MOTION TO AMEND THE FIRST  
AMENDED CROSS-COMPLAINT**

Assigned for All Purposes to:  
Judge Craig Riemer  
Dept. 1

18  
19 **DATE:** June 30, 2022  
**TIME:** 8:30 A.M.  
**DEPT:** 1  
**RES246665**

20  
21  
22 **AND RELATED CROSS ACTIONS**  
23

24 I, Robert C. Wagner, declare as follows:

25 I am a licensed Civil Engineer in the State of California and President of the firm of Wagner and  
26 Bonsignore, Consulting Civil Engineers in Sacramento, California. A copy of my professional resume  
27 is attached as Exhibit 1 and list of sources used in support of this declaration is attached as Exhibit 2. I  
28 serve in the capacity of Engineer for the Mojave Basin Area Watermaster in performance of its duties

**DECLARATION OF ROBERT C. WAGNER, P.E. IN SUPPORT OF MOTION  
TO AMEND THE FIRST AMENDED CROSS-COMPLAINT**

1 specified on Exhibit 3. I am providing the following information in support of the Mojave Water  
2 Agency's (as Watermaster) recommendations regarding the identification and quantification of the sixty-  
3 four (64) potential parties listed herein as pumping more than 10 acre feet, to be included in the Mojave  
4 Water Basin Area Adjudication (see Exhibit 4); the conclusion is based on the best information available  
5 to us at this time. The Judgment defines a Minimal Producer as any Person whose Base Annual  
6 Production, as verified by MWA is not greater than ten (10) acre-feet.

7 Water production occurring outside the Judgment is being investigated by Watermaster as part  
8 of an ongoing program to identify and quantify this production. At the direction of the Court in 2021,  
9 the Watermaster Engineer has thus far evaluated water requirements on a total of seventy-two (72)  
10 parcels from sixty-four (64) potential parties.

11 Properties where producers pump in excess of 10 acre feet have been identified by inspection of  
12 aerial photography and evaluation of land uses for agriculture. In some cases, properties have been  
13 identified by Watermaster staff during the normal course of work regarding administration of the  
14 Judgment.

15 To estimate water requirements, I have applied guidelines for computing crop water requirements  
16 set forth in the Food and Agriculture Organization of the United Nations, Irrigation and Drainage Paper  
17 No. 56 (FAO 56). Since its publication FAO 56 guidelines have been widely used by engineers and  
18 agronomist in the field of crop water relationships. The crop coefficient method was used to estimate  
19 total water requirements for land uses classified as orchards, vineyard, row crops, trees/bushes, turf grass,  
20 and pastures. For these land uses, the crop water demand was computed from the crop evapotranspiration  
21 (ETc) under standard conditions in accordance with FAO 56 guidelines. ETc is the product of the  
22 reference crop evapotranspiration and a crop coefficient. I obtained reference evapotranspiration values  
23 from the California Irrigation Management Information System, Victorville station. Crop coefficients  
24 were adopted from the recommended values established in the FAO 56 publication.

25 Crop coefficients vary predominately with the specific crop characteristics and farming practices  
26 thus, using average climate conditions is a reasonable method for making a preliminary calculation of  
27 water use.

1 I have identified potential water uses for hemp, and cannabis cultivation. For the hemp/cannabis  
2 usage, the ETc was based on a recent study done in Lucerne Valley titled "Water Requirements of  
3 Cannabis sativa for Mojave Hoop House Marijuana Production" by Jan M.H. Hendrickx and Robert C.  
4 Wagner (Exhibit 5). This report was submitted to Court with Watermaster's annual filing in May 2021.  
5 Cannabis and hemp are different strains of the same crop and have similar water use requirements. Based  
6 on the recent study and simplifying assumptions, a crop water requirement for hemp and cannabis of 4.3  
7 acre feet/ acre is used. There are additional complications associated with determining crop water  
8 requirements for cannabis including the inability to directly observe and monitor water use through the  
9 growth and harvest cycle. As more information becomes available we may amend our estimates of crop  
10 water use for hemp and cannabis.

11 Cannabis and hemp are typically grown in hoop houses (plastic covered greenhouses) in the  
12 Mojave Basin Area. In an effort to detect cannabis cultivation in the Mojave Basin Area, Watermaster  
13 staff, under my supervision has conducted analyses of aerial and satellite imagery for detection of hoop  
14 houses. Hoop houses have proliferated in the Basin Area over the past two years and are visible from  
15 drive by surveys and the use of aerial photographs.

16 Although satellite and aerial images can be helpful to locate these types of structures, it is  
17 uncertain if identified greenhouses correspond to hemp/cannabis production in the Basin Area. Without  
18 a physical inspection of any particular operation we would not know with certainty the crop being grown  
19 inside.

20 Over the past year, the San Bernardino County Sheriff's Department has investigated and  
21 continues to investigate cannabis cultivations in hoop houses. Similar investigations have been  
22 conducted in neighboring Los Angeles County by the Los Angeles County Sheriff's Department. Both  
23 Sheriff's Departments have determined some grow operations to be associated with cannabis  
24 productions and have brought law enforcement actions accordingly. Our efforts to identify cultivation  
25 of cannabis and to subsequently estimate water use, is based on an assumption that hoop house structures  
26 indicate cannabis cultivation.

27 Water demand value for jujubes was investigated in more detail to address information received  
28 from various growers in the Basin Area. The water use estimate is derived from a study of water

1 requirements of jujube in the Mojave Basin that is being conducted by Jan M.H. Hendrickx, Phd,  
2 Professor Emeritus of Hydrology, New Mexico Tech and Robert C. Wagner, President, Wagner &  
3 Bonsignore Engineers. The preliminary conclusions we have reached indicate a water use of less than  
4 about 2 acre feet/ acre of jujube orchard. There can be significant variability in configuration of the  
5 orchard, age, size and health of trees that will affect the actual water demand. For this effort I have  
6 assumed that 2 acre feet per acre for jujube cultivation is reasonable. We are currently in the process of  
7 establishing a program to more accurately estimate water use for jujube cultivation and may amend our  
8 estimated water demand as more data is collected. Progress in this endeavor is partly dependent on the  
9 participation of growers.

10 For the Lucerne Valley Unified School District (Lucerne Valley USD), I calculated the indoor  
11 water requirements separately from the other potential parties due to the differences in the type of water  
12 use. Indoor water requirements were computed using a population-water demand based approach.  
13 Student population was estimated using Lucerne Valley Elementary School, Lucerne Valley Middle and  
14 High School, and Mountain View High School respective official websites. The water demand factor  
15 was based on a study conducted on the City of Ventura, CA (approximately 150 miles west of the  
16 Lucerne Valley) titled "Final Water Demand Factor Study" by Kevin J. Gustorf, P.E (see Exhibit 6). A  
17 water demand factor of 15.4 gallon per day per student was used.

18 Based on the City of Ventura study, I estimated the Lucerne Valley USD total water production  
19 to be about 86.4 acre-feet for indoor and outdoor usage. I also reviewed Lucerne Valley USD's metered  
20 water usage data available for the full Water Year of 2015-16. Total water production was 86.27 acre-  
21 feet in Water Year 2015-16 (see exhibit 7), which corroborates that estimate.

22 I declare under penalty of perjury, under the laws of the State of California, that the foregoing is  
23 true and correct.

24 Dated: May \_\_, 2022

25   
26 Robert C. Wagner, P.E.

## **EXHIBIT 1**

# Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.  
Robert C. Wagner, P.E.  
Paula J. Whealen  
David H. Peterson, CEG, CHG  
David P. Lounsbury, P.E.  
David Houston, P.E.  
Vincent Maples, P.E.  
Patrick W. Ervin, P.E.  
Martin Berber, P.E.  
Ryan E. Stolfus

James C. Hanson, P.E.  
Henry S. Matsunaga

## **ROBERT C. WAGNER PROFESSIONAL RESUME**

---

### **REGISTRATION:**

Civil Engineer, California (License No. 52903)

### **EDUCATION:**

B.S. Civil Engineering - California State University, Sacramento, CA - 1988

### **EXPERIENCE:**

Mr. Wagner is the president of Wagner & Bonsignore Engineers and is a Registered Civil Engineer in California, with 25 years experience in water resources management, water right analysis, surface and groundwater water hydrology and land use evaluations for municipal and agricultural projects. Mr. Wagner has been the court appointed engineer for the Mojave Watermaster for over 20 years and has provided expert witness testimony on various matters related to water resources and water rights in court and before the State Water Resources Control Board. Mr. Wagner has demonstrated expertise in areas of consumptive use analysis, watershed hydrology, facility design for storm water capture and analysis of return flow to support water transfers, administration of court ordered judgments and water supply sustainability.

Mr. Wagner serves a wide variety of private and public clients throughout California, managing projects from concept to implementation. Mr. Wagner's work includes pre-1914 appropriative water right investigation, analysis of riparian and overlying water rights and appropriative rights administered by the State Water Resources Control Board.

Mr. Wagner has demonstrated communication skills to work with a wide range of legal and technical professional and stakeholder groups. He has strong organizational and analytical skills and a recognized ability to provide cost effective solutions to difficult water resource problems.

**RECENT EXPERIENCE INCLUDES THE FOLLOWING:**

District Engineer for Reclamation District 38 Staten Island, San Joaquin County

District Engineer for Reclamation District 341 Sherman Island, Sacramento County

District Engineer for Reclamation District 348 New Hope Tract, San Joaquin County

District Engineer for Reclamation District 800 Cosumnes River, Sacramento County

Provide engineering consulting services on behalf of Antelope Valley East Kern Water Agency in connection with quantification of return flow from water used for irrigation and other uses.

Provide engineering consulting services on behalf of Los Angeles World Airports in connection with quantifying water use from various sources for irrigation.

Provide engineering consulting services on behalf of San Joaquin County in connection with water right applications and water resources management within San Joaquin County.

Provide engineering services for Chino Basin Water Conservation District, San Bernardino County in connection with storm water recharge in Chino Basin.

Watermaster Engineer for Orange County Water District; perform analysis of hydrologic and water quality data for the Santa Ana River Watershed for Water Year 2009-10; distinguish storm flow and base flow at Prado Dam and at Riverside Narrows, preparation of portions of the Watermaster's annual report to the Court.

Provide engineering services for Lake Alpine Water Company / Alpine County in connection with the State Water Resources Control Board water right hearing and hydrology of South Fork Stanislaus River for State Filed Application 5648.

Provide Engineering services for Natomas Mutual Water Company, in connection with the water rights. Evaluation of water rights for 51,000 acres of agricultural operation, water right analysis and water transfers.

Provide engineering services on behalf of City of Sacramento in connection with the Water Resources of the American River.

Provide engineering services on behalf of City of Ukiah in connection with water rights and hydrology of the Russian River, Mendocino County.

Provide engineering services on behalf of Sonoma County Water Agency in connection with development of agricultural reuse project for use of treated wastewater for vineyard irrigation.



## EXHIBIT 1

Provide engineering services in connection with analysis of water production and hydrologic data for development of water use agreements for over 100 growers in the Dry Creek Valley in Sonoma County.

Provide engineering services for City of Santa Maria in connection with the hydrologic resources of the Santa Maria Groundwater Basin.

Engineering expert in the matter of Bonadiman v. Evans in San Bernardino Superior Court on behalf of prevailing party Evans. Research and documentation of water development and water right acquisition dating to 1883.

Provide engineering services for The Wildlands Conservancy in connection with water resource matters for extensive land holdings in San Bernardino and Kern Counties.

Provide engineering services for Wells Fargo Bank in connection with the analysis of water rights and water availability on the Kern River.

Watermaster Engineer for the Mojave Basin Area Watermaster in the matter of the Mojave River Adjudication, City of Barstow, et al, vs. City of Adelanto, et al. Collection and analysis of data for preparation of Annual Watermaster Report, including groundwater production and hydrology studies of the Mojave River System and groundwater basin in connection with storm flow base flow separation determination and the analysis of water transfers and land use changes. Preparation of Annual Watermaster report.

Provide engineering services on behalf of the Mojave Water Agency in connection with Mojave Basin Area Adjudication. Coordinate activities for professional and sub-professional staff for collection, analysis and verification of water production records for approximately 7,000 wells in the Mojave River Basin. Participate in meetings of the Joint Engineer-Attorney Drafting Committee formed to negotiate and draft the Stipulated Judgment. Participation in the drafting and ongoing revisions of the Watermaster Rules and Regulations.

Provide engineering services in connection with for the Warren Valley Basin Watermaster, San Bernardino County. Analysis of groundwater production records and basin hydrology for preparation of Annual Watermaster Report.

Provide engineering services in connection with work for East Valley Water District, San Bernardino County, regarding the analysis of surface and subsurface hydrology of the Santa Ana River and the availability of water for the Seven Oaks Dam Project and fully appropriated listing of the Santa Ana River.

Provide engineering services on behalf of Kirkwood Associates before the State Water Resources Control Board in the matter of South Fork American River Hearings, October 1995. Analysis of the South Fork American River and Caples Creek hydrology in connection with same.

## EXHIBIT 1

Provide engineering services in connection with work for High Desert Water District, San Bernardino County, regarding the analysis of water quality and ground water elevation data for monitoring the potential impacts of ground water extractions from the Ames Valley Basin.

Provide engineering services in connection with work for Hidden Valley Lake Community Services District, Lake County, regarding the hydrologic analysis of Upper Putah Creek Watershed and the Coyote Valley groundwater basin in support of amendments to fully appropriated stream status and applications to appropriate surface and subsurface water from Putah Creek; continued monitoring of the Coyote Valley groundwater basin in connection with administration of water rights.

### CONTINUING EDUCATION

“California Environmental Quality Act Update”, University of California, Davis - February 1992

“California Water Law”, University of California, Davis - November 1989 to January 1990

“Understanding Wetlands and 404 Permitting”, ASCE July 1997

“Fundamentals of Water Rights and Colorado River Issues”, University of Nevada, Las Vegas January 1998

“Fundamentals of Groundwater Hydrology”, UC Berkeley Extension, July 2002

## **EXHIBIT 2**

**Bibliography**

- Judgment After Trial with Exhibits, City of Barstow, et al. vs. City of Adelanto, et al., Riverside County Superior Court Case No. 208568 , January 1996
- Statement of Amended Decision, City of Barstow, et al. vs. City of Adelanto, et al., Riverside County Superior Court Case No. 208568, January 1996
- Mojave Basin Area Watermaster, Annual Report, Water Years 1993-94 Through 2020-21
- Mojave River Groundwater Basins Investigation, California Department of Water Resources, Bulletin 84, August 1967
- Water Production Verification Program, Edward Fitzgerald Dibble, Consulting Engineer, June 1967; 1973
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## **EXHIBIT 3**



**Duties of the Watermaster and Engineer as outlined in the Judgment**

MWA was appointed as the initial Watermaster and has duties separate from the Court Appointed Watermaster. MWA Obligations under the Judgment are specified in paragraph 9.0 as follows:

“The Physical Solution is intended to provide delivery and equitable distribution to the respective Subareas by MWA of the best quality of Supplemental Water reasonably available. MWA shall develop conveyance or other facilities to deliver this Supplemental Water to the areas depicted in Exhibit “I” unless prevented by forces outside its reasonable control such as the inability to secure financing consistent with the sound municipal financing practices and standards. “

MWA’s obligations under the Judgment relate to purchasing, importing and recharging the groundwater basin with supplemental water. MWA has engaged in various activities since implementation of the Judgment to meet this obligation including acquisition of additional State Water Project Entitlement and development of conveyance, recharge and extraction facilities, and the financing of those facilities.

Watermaster’s powers and duties are specified in Paragraph 24 (a) through (x) and include all of the data collection and analyses and functions reported to Court in the Watermaster Annual Reports. The engineer is responsible to Watermaster and the Court to ensure that requirements as set forth in 24 (a) through (x) are carried out as intended and consistent with the Physical Solution embodied in the Judgment. The activities described in this declaration are a result of Watermaster exercising its obligations under the Judgment. The Watermaster staff and the engineer’s duties on behalf of Watermaster include some or all of the following annually:

- Interpret and enforce the Rules and Regulations
- Calculate Subarea Make Up Obligations, and Producer Replacement Water Obligations
- Evaluate various methods of monitoring and measuring and work with producers to ensure production data is reliable
- Collect and evaluate Hydrologic, and Climate data, and monitor and evaluate phreatophyte consumptive use
- Prepare detailed producer consumptive use analyses for estimating supply to the basin from return flows of production
- Evaluate crop water requirements and various categories of water use
- Evaluate and process transfers for producers
- Maintain a database of individual producers water use, property location, wells, water production, etc.
- Calculate individual assessments as required by the Judgment
- Hold public hearings as required
- Calculate Free Production Allowance and make recommendations for adjustments
- Prepare annual report the Court on the above and all matters as delineated in Paragraph 24 (a) through (x) of Judgment.

## **EXHIBIT 4**

## Estimated Water Consumption of Potential Parties

Parties	Subarea	Water Requirements (afa)	Land Use	Crop Acreage	APN(s)
Lee, Young Hee	Este	35.0	Orchards	8.5	0450-162-01
Lucerne Valley USD	Este	86.4	Turf Grass and Indoor Use	14.9	0450-051-20, 0450-081-28, 0450-081-47, 0449-111-02
Paeng, Ran Hee	Este	31.3	Jujubes	14.1	0464-141-29
Phu, Quan	Este	22.5	Registered Hemp	5.2	0452-081-69
Rosas, Antonio	Este and Oeste	20.5	Cannabis	4.8	0453-471-06, 0448-591-15, 0461-161-06, 3130-091-09, 3131-351-06, 3200-361-08
Chin Family Life Estate Trust	Este	10.9	Jujubes	4.9	0453-062-69
Duong, Tony Ly Thoc	Este	70.1	Cannabis	16.3	0452-371-02
Kyung Pil Kim and Myoung Soon Kang	Este	15.4	Jujubes	6.9	0453-062-64
Perez, Josefina Perez, Abel Carvajal, Norma Ayon, Salvador Ayon, Felicitas Ayon, Jose De Jesus	Oeste	15.2	Row Crops	3.0	0457-241-36
Baxter, Amanda Qiaoqun	Oeste	111.9	Registered Hemp	26.0	0457-392-06, 0457-073-01, 0457-392-02, 3099-151-01
Chang, Johnson Yu Chang, Yu-Chuan Jennifer Chang, Christine Yu Yang, Huawen Quoc, Michael Ung	Oeste	21.9	Registered Hemp	5.1	0457-113-33
Chen, Biao	Oeste	44.3	Registered Hemp	10.3	3200-441-01
Dong, Jie	Oeste	31.8	Cannabis	7.4	0461-021-08
Du, Xiaolan	Oeste	30.1	Registered Hemp	7.0	0457-061-22
Henghe LLC	Oeste	16.6	Cannabis	3.9	0457-061-06, 0457-061-07, 0457-061-13, 0457-061-34
Ho, Alexduu and Liu Liya	Oeste	18.1	Cannabis	4.2	0457-081-12
Huang Fuhong	Oeste	53.1	Registered Hemp	12.4	0461-201-02
Kings Adventure Farm and Ranch LLC	Oeste	12.3	Cannabis	2.9	3131-101-01, 3200-551-01
Lin, Jierong	Oeste	20.1	Cannabis	4.7	0461-085-08
Du, Shuteng	Oeste	47.8	Registered Hemp	11.1	0458-291-04
Liu, Susie Linxiuzi	Oeste	64.0	Registered Hemp	14.9	0458-082-19
Ni, Kong Zhang	Oeste	54.2	Registered Hemp	11.3	3131-201-01, 3200-361-11, 3200-601-04
Ramirez, Cresencio and Victoria	Oeste	11.7	Cannabis	2.7	0457-082-19, 0457-112-14, 0457-112-24, 0457-122-23, 0457-122-39
Rodriguez, Agustin	Oeste	24.4	Cannabis	5.7	0457-113-46
Sanchez J Trinidad Munoz	Oeste	19.8	Registered Hemp	4.6	3100-291-05
Song, Jiyeon K	Oeste	20.0	Orchards	4.9	3099-171-21
Weng Shunxing	Oeste	17.1	Registered Hemp	4.0	0457-013-20
Wu Xiangmao	Oeste	61.7	Registered Hemp	14.4	0457-041-14
Xiao Wencui	Oeste	60.8	Registered Hemp	14.2	0461-072-69
Zhao Jingzhe and Xue Xiuli	Oeste	15.6	Registered Hemp	3.6	0457-021-43
Zhao Zhiwei	Oeste	10.3	Registered Hemp	2.4	3200-351-02
Schaefer, Wayne Thomas Schaefer, Steven Richard Schaefer, Cheryl Ann	Este	31.0	Pistachios & Domestic	11.5	0449-111-10, 0451-146-04
Marquez, Anna Maria	Este	18.3	Orchards & Cannabis	4.4	0450-041-12
Li, Dequan	Oeste	49.9	Row Crops & Registered Hemp	11.0	3099-261-01
Xiao, Jilin	Este	15.8	Jujubes & Home	8.0	0450-025-16
Joo, Jae Chang Jung, Ran Sook	Este	61.8	Orchards & Home	16.0	0452-121-24, 0452-121-25
Choi, En A	Este	63.1	Orchards & Jujubes	23.5	0451-111-10, 0452-051-45
Fasojia Living Trust	Este	14.5	Pistachios & Lake	5.0	0449-131-11
Sun Mingxiang	Oeste	9.5	Registered Hemp & Lake	2.2	3101-041-04
Come Mission Inc	Este	35.4	Jujubes & Trees/Bushes	14.5	0451-132-09
Kim, Jasper Young and Joy Boonwha	Este	21.9	Orchards & Trees/Bushes	5.2	0451-424-01

**Estimated Water Consumption of Potential Parties**

<b>Parties</b>	<b>Subarea</b>	<b>Water Requirements (afa)</b>	<b>Land Use</b>	<b>Crop Acreage</b>	<b>APN(s)</b>
Kim, Kyung Ja and Chong Choi	Este	19.6	Orchards & Trees/Bushes	4.7	0451-146-12, 0451-146-36
Cappelino, Vincenzo Cappelino, Theresa	Este	57.6	Orchards & Vineyard	14.2	0450-163-24
Jaime, Jose Luis	Este	17.6	Row Crops & Orchards & Cannabis	4.0	0450-025-04, 0450-025-22
Raul O Prudencio Living Trust	Este	15.6	Trees/Bushes & Pastures & Home	4.9	0451-481-04, 0451-031-14

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## **EXHIBIT 5**

## Water Requirements of *Cannabis sativa* for Mojave Hoop House Marijuana Production

Note for the Mojave Water Agency – May 2021

Jan M.H. Hendrickx, Professor Emeritus of Hydrology, New Mexico Tech  
Robert C. Wagner, President, Wagner & Bonsignore Engineers

**Abstract:** The water requirements for growing high-THC *Cannabis sativa* in hoop houses in Lucerne Valley is 1.076 acre feet per harvest with an annual maximum of 4.30 acre feet for four harvests per year.

### General

Water requirements in agriculture are typically determined per crop [e.g., 1, 2, 3] and we will follow this approach for the crop *Cannabis sativa* also known as hemp or marijuana. Within this crop species there exist a high-THC and low-THC subspecies that both have domesticated and ruderal varieties [4-7]. Tetrahydrocannabinol (THC) is the mind-altering substance responsible for the effects of marijuana on a person's mental state<sup>1</sup>. The low-THC subspecies must by law have a THC content of less than 0.3 – 0.1% (dry weight) in the upper, flowering portion and are called “industrial hemp”. The high-THC subspecies have a THC content higher than 0.3% (dry weight); these plants are considered marijuana [8]. Marijuana today is made only from the female inflorescence and for that reason nearly all indoor illicit cultivations consist of female plants propagated vegetatively as cuttings [8-10] with a growing cycle of about eight weeks [7, 11].

### Environmental Factors of Marijuana Production

Efficient marijuana production depends on an economic combination of light intensity, plant density, and strain of marijuana [8]. Although plant density has a significant effect on yield/plant, the yield/m<sup>2</sup> does not differ significantly under indoor conditions with densities between 9, 12, 16 and 20 plants/m<sup>2</sup> [12-15]. Unfortunately water use is not available in any of these studies; *Vanhove et al.* (2011) report that “irrigation water was applied every two days in amounts that were arbitrary determined on the basis of plant requirements” [13]. In these studies, light intensity and marijuana strain have a significant effect on both yield/plant as well as yield/m<sup>2</sup>. The yield difference expressed as yield/m<sup>2</sup> between different strains can be as high as a factor two while an increase in light intensity from 400 to 600 W can increase the yield between 6 to 215% depending on the strain [13].

In addition to the light intensity, marijuana production also strongly depends on the number of daylight hours as well as air temperature and relative humidity. During seedling (week 1 and 2) and vegetative growth (week 3 through 6) the plant needs 18 hours of light per twenty-four hours; then to force the plant into flowering and producing the female inflorescence the light hours are reduced to 12 hours. High-THC cannabis does not tolerate cold temperatures well and grows best at temperatures between 77 and 86 °F although it can survive at temperatures as low as 50 to 55 °F. A relative humidity of about 40 to 80% is ideal but a range of humidity can be tolerated [8].

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<sup>1</sup> <https://www.nccih.nih.gov/health/cannabis-marijuana-and-cannabinoids-what-you-need-to-know> accessed on 24 April 2021.

### Crop Calendar of High-THC *Cannabis sativa* in Mojave Hoop House

The information in this section comes from the scientific literature [8, 11, 13, 14, 16-18], guidelines for cultivating cannabis for medicinal purposes by the Dutch Ministry of Health, Welfare and Sport [19], a well-written blog <https://www.ilovegrowingmarijuana.com/> and an interview with a former Dutch indoor attic grower. The Mojave Water Agency informed us that lamps are used inside the hoop houses. During a field visit to Lucerne Valley, we typically observed ventilators at one side of the hoop house and side panels at the other side which indicates that ventilation for temperature and humidity control is possible.

A typical hoop house cannabis operation is shown in Fig. 1 by Wilson et al. [2019] who surveyed Californian growers about how they produce cannabis outdoors or in greenhouses. Such a hoop house in Lucerne Valley would have a growing season of about 245 days with four or three annual harvests. The cannabis crop typically would be grown in raised beds (as in Fig. 1) or in native soil with a plant density of one plant per 3 sq ft (Fig. 1 has a slightly higher plant density). Most growers will prefer to purchase good quality clones to assure that the female



**Figure 1.** A typical hoop house cannabis operation [18] for which water requirements are estimated using the Penman-Monteith equation [1].

inflorescences will not be contaminated by male pollen. The growing process starts with planting the clones or cuttings. After two weeks of frequent application of small irrigation volumes, vegetative growth starts followed by the flowering phase and harvest. The duration of the seedling, vegetative and flowering developmental stages varies by variety, management, and type of cultivation. For example, for medical cannabis the flowering stage can last up to seven weeks [17]. However, for illicit growers' time is of the essence and typically an entire growth cycle is completed in about eight weeks: 2 weeks for cutting establishment and growth, 4 weeks of vegetative growth and 2 weeks for flowering.

### Water Requirements of High-THC *Cannabis sativa* in Mojave Hoop House

Somewhat surprisingly for “the world’s most recognizable, notorious, and controversial plant” limited information has been found on the water requirements of cannabis [20]. The probable reason is that cannabis is tolerant of hot and arid conditions if the roots have an adequate water supply. Cannabis cannot tolerate waterlogging and, therefore, does not grow well in clay soils that retain water [8]. Overall, cannabis is a relatively easy crop to grow and produces a decent yield as long as overwatering is avoided.

The physics and physiology of crop water use in agriculture are well understood and expressed in the Penman-Monteith equation that calculates crop water use as a function of weather parameters (solar radiation, wind speed, air temperature and air relative humidity) and crop parameters (stomatal conductance, leaf area index and vegetation height) [1, 21-23]. On a day with high incoming solar radiation, high wind speed, high air temperature and low relative humidity the crop will have a high water loss through transpiration. During the night when incoming solar radiation is zero, the water loss is negligible. A crop with a high stomatal conductance, a high total leaf area and a tall height will release more water than a crop with a low stomatal conductance, low total leaf area and low height.

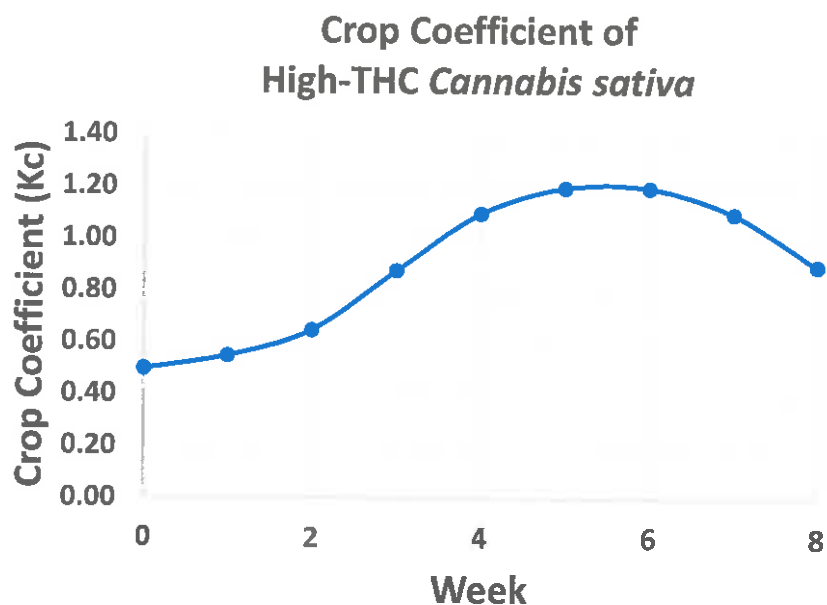
The Penman-Monteith equation can be used in two different ways: 1. Direct calculation of the crop water use when all weather and crop parameters are known; 2. A two-step calculation when the crop parameters are not available that consists of (i) using the Penman-Monteith equation with measured or estimated weather data for calculation of the crop water use of a reference crop (a clipped lawn well supplied with water) and (ii) multiplication of the reference crop water use by a crop coefficient for the crop of interest. We use the latter method for the estimation of marijuana water use in hoop houses.

The first challenge is how to estimate the weather parameters needed for the Penman-Monteith equation inside the hoop house. Because a complete analysis of the energy balance inside a hoop house is too complex for this effort [24-28], another approach is taken. All growers know that a cannabis hoop house needs to maintain an air temperature between 77 and 86 °F and relative humidity between 40 and 60%. Light intensities between 500 to 600 Watt/m<sup>2</sup> are common in most indoor settings [12-14] and air flow inside a hoop house is expected to remain below 5 mi/hr. For an estimate of a representative hourly reference evapotranspiration ETo (mm/hr) we calculated the ETo for all combinations: light intensity 500 and 600 W/m<sup>2</sup>, air temperature 68, 77 and 86 °F, wind speed 0.2, 2.2 and 4.5 mi/hr and relative humidity 20, 40, 60 and 80%. For each of these 72 combinations the hourly reference ETo was calculated which yielded values between 0.011 and 0.022 inch/hr with an average of 0.015 inch/hr. The daily reference ETo is calculated as the hourly ETo times the number of light hours.

A literature search yielded drip-irrigated early-season and mid-season hemp crop coefficient values of, respectively, 0.4 and 1.1 in semi-arid Southern Italy [29]; 0.5 and 1.15 during an arid summer at Novi Sad, Serbia [20]; and values of 0.6, 0.8, 1.0 and 1.2 during the first, second, third and fourth month of growing in semi-arid Southern Spain [30]. The relatively high crop coefficient values of 0.4, 0.5 and 0.6 at the start of the season reflect the relatively high amount of soil evaporation that results from frequent soil wetting by the drip-irrigation system. As the season progresses the crop coefficient reflects the increase in hemp transpiration and the fraction of soil evaporation becomes small when full soil cover is reached (see Fig. 1). We estimate an average crop coefficient value of 0.5 for the crop coefficient at the start of the high-THC marijuana growing cycle and a maximum crop coefficient value of 1.2 during the mid-season to reflect the 18 hours of continuous optimal light intensity between 500 and 600 W/m<sup>2</sup> and air temperatures between 77 and 86 °F. Under such conditions the stomatal conductance for transpiration is at a maximum [31, 32]. These crop coefficients are used for the construction of the crop coefficient curve during the growing season (Fig. 2). Table 1 presents the calculation of weekly cannabis crop water use using the crop coefficients of Fig. 2 and determines the total water volume needed for one through four harvests. The water requirements for growing high-THC *Cannabis sativa* in hoop houses in Lucerne Valley is 1.076 acre feet per harvest or 4.30 acre feet for four harvests per year.

The water use per marijuana plant (gallons/plant) has not been calculated in Table 1 because crop water use does not depend on plant density (plants/sq ft) but on the amount of net short and long-wave radiation per square foot generated by the sun and the lamps as well as thermal emission. This amount of energy (Joules) per square foot determines the amount of crop evapotranspiration (gallons) per square foot that is directly related to the yield (grams) per square foot [33]. Therefore, the above-mentioned studies [12-15] found no significant relationship between plant density and yield per square foot but did find a highly significant relationship between energy per square foot and yield per square foot. Although sometimes used for





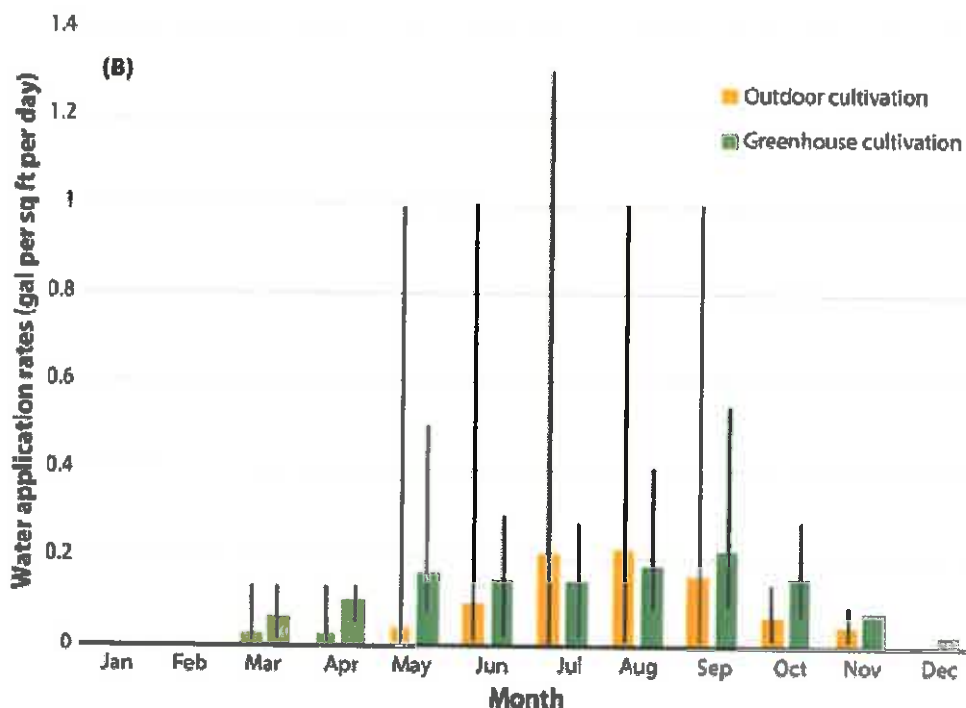
**Figure 2.** The crop coefficient curve for calculation of water use needed for one harvest of high-THC *Cannabis sativa*.

**Table 1.** Calculation of weekly and daily water use for *Cannabis sativa* using an hourly reference evapotranspiration of 0.015 inch/hour. In addition, the average values per harvest during an eight-week growth cycle are presented as 1.00 gallons/week per square foot and 0.14 gallons/day per square foot. The total water use per harvest is 8.0 gallons per square foot or 1.076 acre-foot. The climatic conditions in Lucerne Valley will not allow more than four harvests per year so that the maximum annual water use is 4.30 acre-foot.

Crop Development	Week	Kc	Light Duration	Weekly Water Use	Daily Water Use
			Hours	Gallons/ week sq ft	Gallons/ day sq ft
Clone Planting	0	0.50	18		
	1	0.55	18	0.63	0.09
	2	0.65	18	0.72	0.10
Vegetative Growth	3	0.88	18	0.92	0.13
	4	1.10	18	1.19	0.17
	5	1.20	18	1.39	0.20
	6	1.20	18	1.45	0.21
Flowering	7	1.10	12	0.93	0.13
	8	0.90	12	0.80	0.12
Average/Harvest	1 - 8	1.00		1.00	0.14

demonstrative purposes [18, 34, 35] “gallons per plant per day” is a poor unreliable metric for the quantification of high-THC *Cannabis sativa* water use.

The values for high-THC *Cannabis sativa* presented in Table 1 agree well with the average application rates for greenhouse cannabis cultivation per month reported by California growers in 2018 (*Wilson et al.* [2019] [Fig. 4 in 18]) and presented in Fig. 3. The peak water application rate reported in September of 0.22 gallons per sq ft per day is nearly equal to the 0.21 gallons per sq ft per day calculated for week 6 at the end of vegetative growth in Table 1. The lowest application rates at the start (March) and end (October – November) of the growing season also agree with the Table 1 numbers in weeks 1, 2, 3, 7 and 8. The fact that two completely independent studies using two completely different approaches (physics versus growers’ survey) yield nearly identical values for hoop house *Cannabis sativa* water use in California is a strong indication that the values reported in this note and by *Wilson et al.* [2019] are reliable.



**Figure 3.** Average water application rates (gallons per sq ft per day) for outdoor and greenhouse cannabis cultivation by month in 2018 reported by California growers to *Wilson et al.* [2019] ([Fig. 4 in 18]). Application rates were similar for outdoor and indoor cultivation; black lines indicate the range of values reported.

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## **EXHIBIT 6**



# Final Water Demand Factor Study

April 8, 2020

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**APPENDICES**

Appendix A – Residential Demand Factor Back-Up Data
Appendix B – Non-Residential Demand Factor Analysis

**ACRONYMS AND ABBREVIATIONS**

AB	Assembly Bill
AFY	Acre feet per year
AMI	Advanced Metering Infrastructure
AWWA	American Water Works Association
CMWD	Casitas Municipal Water District or Casitas
CWRR	Comprehensive Water Resources Report
CY	Calendar year
DU/AC	Dwelling unit per acre
DWR	California Department of Water Resources
GPCD	Gallons per capita per day
GPD	Gallons per day
GPD/DU	Gallons per day per dwelling unit
GPD/KSF	Gallons per day per 1,000 square feet
HCF	Hundred cubic feet
NO-DES	Neutral Output Discharge Elimination System
SB	Senate Bill
SWRCB	State Water Resources Control Board
UWMP	Urban Water Management Plan



## I. INTRODUCTION

### A. Background and Purpose

The City of San Buenaventura Water Department (Ventura Water) owns, operates and maintains a potable water distribution system that distributes treated water to the customers within its service area boundary. Ventura Water also distributes non-potable water and recycled water to select customers within its service boundary, where the infrastructure exists, to meet irrigation demands.

In 2013, Ventura Water updated its water demand factors for various land use categories based on actual water usage data available at the time. The water demand factors developed in 2013 were prepared as a part of Ventura Water's first Comprehensive Water Resources Report (CWRR). The CWRR is a comprehensive evaluation of Ventura Water's current and projected water demand and supply. The CWRR is updated annually by Ventura Water.

The water demand factors are used to calculate future demand projections based on known development plans and the ultimate build-out of the City per the City's General Plan. Water demand factors have been used in a variety of City publications, including: General Plan, Water Master Plan, Urban Water Management Plan and the Comprehensive Water Resources Report (CWRR). In addition, smaller more focused studies will reference water demand factors from these City documents, such as in the use of development water studies.

The water demand factors developed for the 2013 CWRR were based upon water consumption data from 2012. Since 2012, water demand in the City has changed due to aggressive water conservation, legislation, development, and changing land uses. In addition, the water demand factor land use categories developed for the 2013 CWRR were grouped into broad categories. These demand factors are currently used to calculate future demands for proposed development projects, and also used to determine the Water Resources Net Zero Fee for developers. Therefore, Ventura Water has determined the need to update its water demand factors to reflect current water usage behavior and define the demand factor categories in greater detail.

The primary goal of this Study is to establish water demand factors that reflect current usage patterns and can be utilized throughout the City's service area to calculate future water demand projections that can be used in all water planning efforts. An additional goal of this Study is to develop a comprehensive list of water demand factors that accurately represent water usage per land use classification that can be used for planning purposes. The water demand factors developed herein account for current trends, but also account for yearly variability based upon environmental conditions.

Not included as part of this Study is an evaluation of daily or seasonal diurnal patterns or peaking factors.

#### **B. Source Data**

The water demand factors developed as a part of this Study utilized Ventura Water billing data and production data. The billing data provided was for the calendar years 2013 through 2018. The production (supply) data was provided for the calendar years 2013 through 2018.

Also referenced for this Study were the following reports:

- 2013 Comprehensive Water Resources Report (CWRR)
- Water Master Plan (March 2011)
- 2015 Urban Water Management Plan (June 2016)
- 2005 Ventura General Plan
- Ordinance 2016-004 “Water Rights Dedication, Water Resource Net Zero Fee, and Water Resource Net Zero Requirements”

## **II. EXISTING WATER DEMAND FACTORS**

Water demand factors are used to estimate future water use based on a land use type and unit of measurement (such as acreage, dwelling unit count, square footage, number of persons, etc.). Demand factors are typically calculated based on historical water use and trends. Ventura Water last updated its water demand factors per land use in 2013 for the Comprehensive Water Resources Report (CWRR), and its demand factor per capita in 2016 for the Urban Water Management Plan (UWMP).

#### **A. Existing Demand Factors (per Land Use)**

The land use-based water demand factors currently being utilized by Ventura Water were developed in 2013 as a part of the first edition of the CWRR. The land use demand factors are summarized in Table 1.

Table 1 Current Water Demand Factors (from 2013 CWRR)				
Water Demand Factor Classification		Raw Consumption Factor (CY 2012)	Adjustment for Water Loss (+6.5%)	Adjustment for Planning Purposes (+20% appx.)
Residential	Residential (0-8 du/ac)	292 gpd/du	311 gpd/du	370 gpd/du
	Residential (9-20 du/ac)	189 gpd/du	201 gpd/du	250 gpd/du
	Residential (21+ du/ac)	189 gpd/du	201 gpd/du	250 gpd/du
Non-Residential	Commercial/Retail/Industrial/Hotel	206 gpd/ksf	220 gpd/ksf	265 gpd/ksf
	Public/Institutional	206 gpd/ksf	220 gpd/ksf	265 gpd/ksf
	Hospital/Assisted Living	424 gpd/bed	452 gpd/bed	545 gpd/bed
	Park/Landscape/Irrigation	1,566 gpd/acre	1,668 gpd/acre	2,000 gpd/acre

Source: Table 3-3 of 2013 CWRR

du/ac = dwelling unit per acre

gpd/du = gallons per day per dwelling unit

gpd/ksf = gallons per day per 1,000 square feet

## B. Per Capita Water Use

California state legislators passed Senate Bill 7 (SB x7-7, also known as the Water Conservation Bill) in November 2009 requiring all municipal water suppliers to reduce per capita water consumption by 20% by Year 2020 from an established baseline. Ventura Water's Year 2020 compliance target is 142 gallons per capita per day (GPCD). As of the 2015 Urban Water Management Plan (UWMP), Ventura Water has already achieved its 2020 target, with the Year 2015 usage calculated to be 117 GPCD.

In 2018, the California Legislature passed two additional water conservation bills, Senate Bill 606 (SB 606) and Assembly Bill 1668 (AB 1668), creating the framework for additional statewide water savings mandates that will take effect in Year 2022. SB 606 and AB 1668 build on the state's ongoing efforts to make water conservation a way of life in California and create a new foundation for long-term improvements in water conservation and drought planning. SB 606 and AB 1668 establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards.

In Year 2022, water suppliers will have to submit water budgets to the California Department of Water Resources (DWR) and increase water recycling projects. The

legislation establishes a residential indoor goal of 55 GPCD until Year 2025, 52.5 GPCD from Years 2025 to 2030, and 50 GPCD after Year 2030. According to Ventura Water's 2015 UWMP, Ventura Water customers used an average of 117 GPCD in 2015. The 117 GPCD was calculated using service area population and overall water use (all water including residential, commercial, municipal, irrigation, etc. excluding recycled water). However, Ventura Water reports residential use to the State. From 2016 to 2018, Ventura Water's average indoor and outdoor residential water use was 69 GPCD. Based on the DWR's 2011 California Single Family Water Use Efficiency Study, the average household uses 47% of its water indoors and 53% outdoors. Therefore, it is estimated that Ventura Water's average residential indoor use is 32 GPCD, indicating that Ventura Water is already meeting the 55 GPCD goal.

A few of the provisions that will impact Ventura Water identified in the two bills include:

- Establishing water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers comprised of indoor residential water use, outdoor residential water use, commercial, industrial and institutional (CII) irrigation with dedicated meters, water loss, and other unique local uses.
- Providing incentives for water suppliers to recycle water.
- Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

It should be noted that the long-term standards for efficient water use are still being developed by the State and that a report is anticipated to be completed January 2021 reviewing the 55 GPCD standard for residential indoor water use. In addition, the service area population will need to be updated, which can impact the residential GPCD calculations. These updates will be provided in the 2020 UWMP.

The implementation of SB 606 and AB 1668 may result in lower water demand factors for Ventura Water in the future. It is recommended that Ventura Water review the water demand factors after a few years of billing data has been collected after the water conservation laws are fully implemented.

**III. AGENCY COMPARISON****A. Comparison**

As a part of the 2013 CWRR process, the water demand factors for several local agencies were identified for comparative purposes. The water agency demand factor comparison from the 2013 CWRR is included herein as Table 2.

**B. Methodology**

For this Study, additional agencies were contacted to understand the methodology used to calculate its water demand factors.

- The City of Santa Barbara's demand factors were based on water consumption for calendar years 2006 (average weather) and 2007 (driest year on record) and land use data (square footage for commercial properties and lot size values for residential).
- The City of San Luis Obispo's municipal water use factors were developed in 2008. No further information was available regarding the methodology.
- Irvine Ranch Water District's demand factors were initially developed in 1999 with an update completed in 2012. The demand factors were based on 2000 to 2010 billing data with adjustments: 7% unaccounted water and 12% economic bounce back and land use information.
- The City of Oxnard's water demand factors were based on billing records from calendar year 2012. Water demand factors for the existing system were derived from a total system average by using geocoded billing records. The total system demand by land use category was divided by the total area of each land use category.

A summary of the above agencies' water demand factors is included in Table 3.

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Table 2 2013 Agency Demand Factor Comparison						
Water Demand Factor Classification		Southern California Agencies				
		City of Ventura	City of Thous and Oaks	VCWWD No. 8 (Simi Valley)	Santa Margarita Water District	Irvine Ranch Water District
Low Density Residential	Low Density Residential (2-4.5 du/ac)	-	405 gpd/du	840 gpd/du	-	-
	Residential (0-8 du/ac)	370 gpd/du	-	420 gpd/du	450 gpd/du	405 gpd/du
Medium Density Residential	Medium Density Residential (4.5-15 du/ac)	-	310 gpd/du	-	-	-
	Residential (9-20 du/ac)	250 gpd/du	-	-	300 gpd/du	310 gpd/du
High Density Residential	High Density Residential (15-30 du/ac)	-	180 gpd/du	-	-	-
	Condominium	-	-	259 gpd/du	-	-
	Multi-Family Apartment	-	-	222 gpd/du	-	-
	Residential (21+ du/ac)	250 gpd/du	-	-	175 gpd/du	200 gpd/du
Commercial/Industrial/Retail	Commercial/Retail/Industrial/ Hotel	265 gpd/ksf			225 gpd/ksf	
	Public/Institutional					
	Hospital/Assisted Living	545 gpd/bed	-	1.85 gpm/ac	-	230 gpd/ksf
	Commercial	-	130 gpd/ksf	2.00 gpm/ac	225 gpd/ksf	220 gpd/ksf
	Industrial	-	60 gpd/ksf	-	-	-
	Industrial - Light	-	-	2.00 gpm/ac	-	60 gpd/ksf
	Industrial - Heavy	-	-	-	-	5000 gpd/ksf
	Institutional	-	45 gpd/ksf	-	-	-
	School	-	15 gpd/ksf	1.20 gpm/ac	15 gpd/stu	15 gpd/ksf
Parks / Irrigation	Park/Landscape/Irrigation	2,000 gpd/acre	-	-	3.5 AF/ac	3,400 gpd/acre
	Parks, Golf Courses, OpenSpace, Recreation Areas	-	3,400 gpd/acre	-	-	-
	Open Space, Community Park (Passive), Recreation Facility	-	-	-	100 gpd/acre	-
	Community Park (Active)	-	-	-	200 gpd/acre	-
	Community Facility	-	-	-	2,500 gpd/acre	-

Source: Table 3-4 from 2013 CWRR

du/ac = dwelling unit per acre

gpd/du = gallons per day per dwelling unit

gpd/ksf = gallons per day per 1,000 square feet

gpd/bed = gallons per day per bed

gpm/ac = gallons per minute per acre

gpd/stu = gallons per day per student  
 gpd/acre = gallons per day per acre

**Table 3: 2020 Agency Demand Factor Comparison**

<b>Water Demand Factor Classification</b>	<b>City of Santa Barbara</b>	<b>City of San Luis Obispo</b>	<b>Irvine Ranch Water District*</b>	<b>City of Oxnard</b>
<b>Single-Family</b>	357 gpd/du	268 gpd/du	405 gpd/du	2,250 gpd/acre
<b>Multi-Family</b>	143 gpd/du	161 gpd/du	300 gpd/du	4,250 gpd/acre
<b>Office</b>	54 gpd/ksf	89 gpd/ksf	72 gpd/ksf	-
<b>Hotel (w/restaurant)</b>	179 gpd/room	109 gpd/room	160 gpd/ksf	-
<b>Hotel/motel (no restaurant)</b>	116 gpd/room			-
<b>Public &amp; Institutional</b>	152 gpd/ksf	-	45 gpd/ksf	-
<b>School</b>	-	-	28 gpd/ksf	1,500 gpd/acre
<b>Multi-Tenant Commercial</b>	152 gpd/ksf	268 gpd/ksf	175 gpd/ksf	2,000 gpd/acre
<b>Single-Use Commercial</b>	134 gpd/ksf	-	-	-
<b>Park/Golf Course</b>	-	1,785 gpd/acre	2,200 gpd/acre	-

\*Irvine Ranch Water District has been included in both Tables 2 and 3 since the water demand factors were updated since the 2013 CWRR.

gpd/du = gallons per day per dwelling unit  
 gpd/ksf = gallons per day per 1,000 square feet  
 gpd/acre = gallons per day per acre  
 gpd/room = gallons per day per room

#### **IV. HISTORICAL WATER USE**

##### **A. Water Usage Summary**

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In order to establish the existing (or current) water demands, Ventura Water provided water usage (billing) data from January 2013 through December 2018. The billing data is summarized in Table 5.

It is noted that the billing records include both treated potable water and non-potable water (reclaimed water and untreated raw water). From 2013 through 2018, the average annual demand for both potable and non-potable water was 14,420 acre-feet/year (AFY). The highest water use year was 2013, and the lowest water use year was 2017.

Excluding reclaimed water and raw water, the total average annual potable water demand was 13,736 AFY (2013-2018).

Approximately 64% of all water use is residential. In order to understand the water demand breakdown between the single-family and multi-family residents, the categories are summarized in Table 6. Of the residential water use, approximately 63% is associated with single-family dwelling units. From 2013-2018, the total annual residential water demand was an average of 9,223 AFY.

<b>Table 5</b>							
<b>Annual Summary of Water Billing Data (AFY)</b>							
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Average</b>
<b>Total - Potable and Non-Potable Water</b>	<b>16,665</b>	<b>15,978</b>	<b>13,342</b>	<b>13,456</b>	<b>13,219</b>	<b>13,549</b>	<b>14,359</b>
<b>Total - Potable Water Only <sup>[1]</sup></b>	<b>16,003</b>	<b>15,230</b>	<b>12,668</b>	<b>12,768</b>	<b>12,495</b>	<b>12,886</b>	<b>13,675</b>

[1] Excludes untreated raw water  
and reclaimed water  
AFY = acre feet per year



**EXHIBIT 6**

<b>Table 6</b>							
<b>Residential Water Usage Data Summary</b>							
	<b>Gallons Per Day (GPD)</b>						<b>Average</b>
	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	
Single-Family	6,325,834	5,947,067	4,725,128	4,673,664	4,671,020	4,712,252	5,175,828
Multi-Family	3,450,190	3,323,991	2,899,937	2,896,490	2,867,191	2,912,382	3,058,363
<b>Residential Subtotal (GPD)</b>	<b>9,776,024</b>	<b>9,271,058</b>	<b>7,625,065</b>	<b>7,570,153</b>	<b>7,538,211</b>	<b>7,624,635</b>	<b>8,234,191</b>
<b>Residential Subtotal (AFY)</b>	<b>10,951</b>	<b>10,385</b>	<b>8,541</b>	<b>8,480</b>	<b>8,444</b>	<b>8,541</b>	<b>9,223</b>

Note: See Appendix A for back-up detail

GPD = gallons per day

AFY= acre feet per year

## **B. Supply / Production Summary**

Ventura Water obtains potable water from three primary sources: 1) the purchase of water from the Casitas Municipal Water District (CMWD or Casitas); 2) the Ventura River; and 3) local groundwater basins. Ventura Water provided a summary of the total water production (supply) from its various potable water sources for the calendar years 2013 through 2018, as shown in Table 7.

The highest production year was 2013, with annual declines every year until 2018, which was the lowest production year. These numbers are in-line with the severe drought that occurred over these 5 years and the significant conservation that occurred.

The total average annual production (excluding reclaimed water) for years 2013 through 2018 was 14,962 AFY.

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<b>Table 7</b>							
<b>Water Supply / Production Summary (AFY)</b>							
<b>Primary Source</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Average</b>
CMWD 1	2,710	2,425	3,530	1,987	913	1,383	2,158
CMWD 2	3,047	2,396	1,046	349	1,032	1,145	1,503
Casitas Direct Customers	297	279	272	298	243	188	263
Foster Park Intake Subsurface	1,076	748	449	419	1,280	897	811
Golf Course Well 5	2,527	2,197	1,819	1,352	789	356	1,507
Golf Course Well 6	2,964	2,368	1,768	2,350	1,220	561	1,872
Golf Course Well 7	0	0	0	0	1,816	2,399	703
Mound Well 1	1,717	1,147	590	805	703	910	979
Nye Well 11	0	292	0	2	119	0	69
Nye Well 2	0	0	0	0	0	0	0
Nye Well 7	856	1,064	0	414	1,277	520	689
Nye Well 8	242	1,134	850	1,014	972	459	778
Saticoy Well 2	673	629	320	0	45	31	283
Saticoy Well 3	0	0	1,998	2,898	2,549	3,065	1,752
Victoria Well 1	0	0	0	0	0	0	0
Victoria Well 2	1,596	2,073	1,734	1,866	695	1,619	1,597
<b>TOTAL</b>	<b>17,705</b>	<b>16,751</b>	<b>14,376</b>	<b>13,752</b>	<b>13,651</b>	<b>13,534</b>	<b>14,962</b>

AFY = acre feet per year

### C. Water Loss Factor

From the source to the customer, all water systems experience some level of water loss. Water loss can be attributed to many things; most typically it is associated with leaks in the system, main breaks, and slight variations in meter accuracy. To increase efficiencies in the water distribution system, water loss audits are conducted to trace the flow of water from its source and treatment, through the water distribution system, and into customer properties. The water loss audit informs water utilities of the volume of water lost and revenue associated with that water loss. Once water loss audits are complete, improvements can be made in water resources management, financial performance, and operational performance.

Water loss is essentially the difference between the water supplied and consumption. A water loss calculation is performed by calculating the difference between the water supplied (all source water produced and supplied to the Ventura Water system including purchases from Casitas) and consumption (billing records for all metered water that is delivered to customers). This water loss calculation was performed for the years 2013 to 2018. The average water loss for 2013 to 2018 was 8.5%.

In September 2014, Senate Bill 1420 was adopted requiring urban retail water suppliers such as Ventura Water to quantify and report on distribution system water loss in the Urban Water Management Plan (UWMP). Ventura Water conducted an audit in accordance with the methods of the American Water Works Association (AWWA) and submitted the audit for calendar year 2015 with the 2015 UWMP.

In October 2015, Senate Bill 555 was adopted requiring Ventura Water to submit validated water loss audits annually to the DWR. Thus, 2016, 2017 and 2018 audits were prepared in accordance with the AWWA method, validated by a third-party technical expert, and submitted to DWR. The average water loss rate for the three years of DWR audited data was 7.0%. The water loss auditing process is still being refined by the State and the standard for allowable water loss volumes will be implemented beginning in 2023.

While the AWWA method breaks water loss into multiple categories to provide additional information to the utility, it still calculates water loss as the difference between the water supplied (water that Ventura Water produces and purchases from Casitas) and authorized consumption (the water that is sold to customers). The audit uses the term “non-revenue water” to define this water loss. As shown in Table 8, water loss is variable from year to year due to the fluctuations in the number of maintenance related issues such as water main breaks and damaged hydrants. For the purposes of developing the demand factors, staff chose to average only the water loss percentages for the years that DWR audits were completed. The DWR audits for the years 2016 to 2018 are the most recent data available.

## **EXHIBIT 6**

and are in compliance with current and upcoming regulations for water loss. The City has also taken actions to reduce losses including operating the Neutral Output Discharge Elimination System (NO-DES) truck to recycle water used for water distribution system flushing, implementation of the Advanced Metering Infrastructure (AMI) project which includes replacement of manually-read water meters with smart meters which include advanced leak detection notification capabilities, and implementation of the City's Capital Improvement Plan which includes replacement of aging pipelines. These actions should reduce the City's water loss rate over the long-term, but year to year variability will still occur.

<b>Table 8</b>				
<b>Water Loss</b>				
<b>Year</b>	<b>Metered (AFY)<sup>[1]</sup></b>	<b>Supply (AFY)<sup>[2]</sup></b>	<b>Water Loss (%)</b>	
2013	16,003	17,705	9.6%	
2014	15,230	16,751	9.1%	
2015	12,668	14,376	11.9%	
2016 <sup>3</sup>	12,768	13,752	7.2%	
2017 <sup>3</sup>	12,495	13,651	8.5%	
2018 <sup>3</sup>	12,886	13,534	4.8%	
<b>Average (Years 2013 – 2018)</b>	<b>13,675</b>	<b>14,962</b>	<b>8.5%</b>	
<b>DWR Audit Average (Years 2016-2018)</b>			<b>7.0%</b>	

[1] From Table 5 - Potable Water Only

[2] From Table 7

[3] Years that Level 1 validated audits submitted to DWRAFY = acre feet per year

## **V. RECOMMENDED WATER DEMAND FACTORS**

### **A. Proposed Demand Factor Categories**

The primary goal of this Study is to develop water demand factors based on current water use and across a broader designation of land use types. An iterative process was used to determine which land-use types should have unique demand factors. The intent is to develop water demand factors for each land use type that may use water differently and represents a cross-section of the typical uses within the City. Through discussions and input from Ventura Water staff (including the General Manager), the land use categories that were selected to develop a unique water demand factor for are shown in Table 9.

Table 9	
Proposed Demand Factor Categories	
<u>Residential</u>	
	Single-Family
	Multi-Family
<u>Non-Residential</u>	
	Office
	Medical/Dental Office
	Assisted Living
	Hotel (w/ restaurant)
	Hotel/Motel (no restaurant)
	Public & Institutional
	School
	Restaurant (sit-down)
	Restaurant (fast-food)
	Brewery
	Bakery/Coffee Shop
	Grocery Store
	Multi-Tenant Commercial <sup>[1]</sup>
	Single-Use Commercial
	Self-Storage
	Church
	Park/Golf Course
	Gym (w/ pool)
	Car Wash
	Gas Station (w/ car wash)
	Gas Station

[1] To use for proposed multi-tenant developments when tenants have not been specified. Includes at least one higher intensity water use such as a restaurant.

**B. Demand Factor Methodology and Process**

In order to develop new and updated water demand factors for the proposed land use categories, water usage records were obtained for a cross-section of typical customers within each category.

The methodology and process used to determine the demand factors was based on the following:

- Utilized water billing data from 2013 through 2018.
- Single-family residential demand factor was based on all single-family accounts.
- Multi-family residential demand factor was based on all multi-family accounts.
- Non-residential demand factors were developed by obtaining billing records for approximately 6 to 12 customers who were considered representative of the selected category, when feasible.
- The customers selected for the analysis of each category were selected based on a diverse representation of the City, and broad geographical presence across the City.
- All customers were researched to determine when the business opened, or closed, and the billing data utilized was adjusted accordingly.
- Separate demands factors for City and County were not developed. Ventura Water's service area includes customers in unincorporated Ventura County who are within the City's Sphere of Influence.
- The Thomas Fire occurred in the City in December of 2017. Due to the large (6 years) amount of data utilized, the impacts of water use during the Thomas Fire were deemed negligible for this analysis.
- Water use was classified by the year of the meter read. For example, a meter read in January of 2017 was likely for water use in November/December of 2016, however the water use was classified in the 2017 calendar year.
- Land use data, such as building square footages, acreages, etc. were obtained through City and County resources when available. Google Earth was used in instances when City or County information was not readily available.
- All data from accounts identified as a "fireline" were excluded from the calculations as the usage was negligible. Fireline accounts are for fire protection of residential, commercial, school, and municipal properties.
- Dedicated irrigation meters were included in the demand factor calculations.
- For each customer selected, the billing data was analyzed to determine if there were any anomalies in the data. Anomalies such as a monthly water demand that was multiple times the normal (due to a customer water leaks or high irrigation use) were included in the calculations to account for the variability in water usage.

- If data from a selected customer appeared questionable, the customer was removed from the calculation.
- Data from industrial customers was analyzed and included in Appendix B, but due to extreme variability in water use between customers and the uncertainty of which kind of industrial activities may be proposed in the future, a demand factor for industrial use is not included in this report. The water demands of any proposed industrial use will be assessed on a case by case basis.
- The raw demand factors for each category was based on the average of all customers in that specific category.
- The raw demand factors for each category were an average of the data over the years 2013 through 2018.
- The DWR audited water loss factor of 7% was applied to the raw factor.
- A planning-level contingency factor was applied to the raw factor and the water loss. The methodology used to develop the planning-level contingency is discussed in Section V.C.

#### C. Demand Factor Contingency

Water consumption varies from year to year depending upon a number of factors, primarily weather and drought. The water demand factors developed herein were based on the average annual water usage from years 2013 through 2018. California experienced a significant drought that spanned the five years from 2012 to 2017. Beginning in 2014, statewide mandates to reduce water consumption were put into place, and water agencies observed significant reductions in water demand, including Ventura Water. In 2014, the State Water Resources Control Board adopted an emergency regulation calling on all Californians to reduce their water by 20%. Therefore, the City of Ventura City Council declared a water shortage emergency in September 2014. In June 2015, the City Council confirmed that the City was in a Stage 3 shortage event with 20% mandatory conservation. Former Governor Brown declared that the drought officially ended in 2017 for the state of California; however, the City of Ventura remained in a shortage event. As of February 2020, the City remains in a Stage 3 shortage event. While many of the state's water consumption reduction mandates have remained in place, water demands in the City and the state have started to move higher again. As shown in Tables 5 and 6, overall water use in 2018 has increased from water use in 2016 and 2017. Since the water demands factors developed herein were calculated based on actual water usage during a significant drought period, it is prudent to account for likely increases in water demand in future years.

In order to determine the appropriate planning-level contingency to apply to the raw demand factor, the water consumption data from 2013 through 2018 was evaluated in a few different ways:



- Between 2013 and 2018, the difference between the high demand year and the low demand year was 22%.
- Between 2013 and 2018, the difference between the high demand year and the average annual demand was 17%.
- Between 2013 and 2018, the difference between the high demand year for all residential customers and the average annual demand for all residential customers was 19%.
- Between 2013 and 2018, the median increase in water demand for the 158 non-residential customers evaluated in this study between the high demand year and the annual average year was 27%.

Based upon the analysis summarized above, it is recommended to apply a planning-level contingency of 20% to the raw factor plus water loss to account for the annual demand variations that are likely to occur.

#### **D. Proposed Demand Factors**

Based upon the description of the process detailed above, the proposed water demand factors for Ventura Water are shown in Table 10. The details of the analysis for the multi-family and non-residential customers used to determine the raw demand factors are included in Appendices.

These demand factors will be used to calculate future demands for proposed development projects and also to determine the Water Resources Net Zero Fee for developers. The methodology by which these factors will be utilized to calculate estimated water demands will be detailed in other City reports including the annual Comprehensive Water Resources Report (CWRR) and in the Net Zero Administrative Policies and Procedures document. Demand factors will be reviewed periodically (at least every 5 years) for consistency with current demand patterns and will be updated as necessary.

**Table 10**  
**Proposed Demand Factors**

	Raw Factor (gpd)	Water Loss 7.0%	Contingency 20%	Proposed Factor (gpd)
<b>Residential <sup>[1]</sup></b>				
Single-Family	229.0 /du	16.0	49.0	294 /du
Multi-Family	163.0 /du	11.4	34.9	209 /du
<b>Non-Residential <sup>[2]</sup></b>				
Office	29.7 /ksf	2.1	6.4	38 /ksf
Medical/Dental Office	130.7 /ksf	9.1	28.0	168 /ksf
Assisted Living	70.8 /bed	4.9	15.1	91 /bed
Hotel (w/ restaurant)	134.2 /room	9.3	28.7	172 /room
Hotel/Motel (no restaurant)	104.2 /room	7.3	22.3	134 /room
Public & Institutional	52.6 /ksf	3.7	11.3	68 /ksf
School	15.4 /student	1.1	3.3	20 /student
Restaurant (sit-down)	524.6 /ksf	36.5	112.2	673 /ksf
Restaurant (fast-food)	677.9 /ksf	47.2	145.0	870 /ksf
Brewery	338.6 /ksf	23.6	72.4	435 /ksf
Bakery/Coffee Shop	116.4 /ksf	8.1	24.9	149 /ksf
Grocery Store	121.2 /ksf	8.4	25.9	156 /ksf
Multi-Tenant Commercial	120.8 /ksf	8.4	25.8	155 /ksf
Single-Use Commercial	81.9 /ksf	5.7	17.5	105 /ksf
Self-Storage	223.2 /acre	15.5	47.7	286 /acre
Church	71.7 /ksf	5.0	15.3	92 /ksf
Park/Golf Course	1,339.7 /acre	93.3	286.6	1,720 /acre
Gym (w/ pool)	165.6 /ksf	11.5	35.4	213 /ksf
Car Wash	841.8 /ksf	58.6	180.1	1,081 /ksf
Gas Station (w/ car wash)	1,824.4 /ksf	127.1	390.3	2,342 /ksf
Gas Station	198.5 /ksf	13.8	42.5	255 /ksf

[1] Based on actual water billing data from Years 2013-2018. See Appendix A for details.

[2] Based on actual water billing data from Years 2013-2018. See Appendix B for details.

gpd = gallons per day

du = dwelling unit

ksf = 1,000 square feet

## **APPENDICES**

## EXHIBIT 6

### APPENDIX A

Single-Family Total Units by Year

	Building & Safety	Remove SCC Homes	Remove Thomas Fire Homes	Total SF Units
2012	22,577	67	-	22,510
2013	22,589	69	-	22,520
2014	22,607	69	-	22,538
2015	22,660	70	-	22,590
2016	22,698	70	-	22,628
2017	22,734	71	-	22,663
2018	22,889	71	466	22,818

Multi-Family Total Units by Year

	Building & Safety	Remove Thomas Fire Apts	Total MF Units
2012	18,511	-	18,511
2013	18,552	-	18,552
2014	18,652	-	18,652
2015	18,794	-	18,794
2016	18,951	-	18,951
2017	18,968	-	18,968
2018	19,041	56	18,985

Single-Family Total Usage by Year

	Billing Data (HCF)	Remove SCC (HCF) [1]	Remove Thomas Fire (HCF)	Add Assessment District (HCF) [2]	Total Usage (HCF)	Total Usage (GPD)
2012	3,118,335	30,025	-	28,001	3,116,311	6,386,303
2013	3,085,754	29,821	-	30,871	3,086,804	6,325,834
2014	2,906,732	33,928	-	29,174	2,901,978	5,947,067
2015	2,313,418	25,895	-	18,188	2,305,711	4,725,128
2016	2,284,926	22,810	-	18,482	2,280,598	4,673,664
2017	2,282,594	22,669	-	19,383	2,279,308	4,671,020
2018	2,312,130	24,824	9,644	21,766	2,299,428	4,712,252

Multi-Family Total Usage by Year

	Billing Data (HCF)	Remove Thomas Fire (HCF)	Total Usage (HCF)	Total Usage (GPD)
2012	1,801,182	-	1,801,182	3,691,189
2013	1,683,582	-	1,683,582	3,450,190
2014	1,622,001	-	1,622,001	3,323,991
2015	1,415,076	-	1,415,076	2,899,937
2016	1,413,394	-	1,413,394	2,896,490
2017	1,399,097	-	1,399,097	2,867,191
2018	1,421,340	191	1,421,149	2,912,382

Demand Factors (GPD/DU)

	Single-Family	Multi-Family
2012	284	199
2013	281	186
2014	264	178
2015	209	154
2016	207	153
2017	206	151
2018	207	153

#### Notes:

[1] Saticoy Country Club (SCC) homes and usage were removed since they are served by a separate water system.

[2] Assessment District (SC 24) usage was added since this is irrigation water used for developments with common areas.

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## **EXHIBIT 7**

# LVUSD Water Production

	LVHS / MS	LVES	MV / DO	Total
Water Year	Acre-feet	Acre-feet	Acre-feet	Acre-feet
2014-15 (Nov - Sept)	58.88	18.68	8.64	86.20
<b>2015-16</b>	<b>58.42</b>	<b>18.69</b>	<b>9.16</b>	<b>86.27</b>
2015-16 (Oct – Feb)	9.59	5.17	2.55	17.31
2016-17 (Oct – Feb)	11.52	5.60	1.39	18.51

Source: Flow meter readings from November 5, 2014 through March 1, 2017



# Exhibit 7

LUCERNE VALLEY UNIFIED SCHOOL DISTRICT - WELL WATER USAGE											
2014-15 Water Year											
LVHS/ Middle School				LV Elementary School				Mountain View/ District Office			
FM s/n	FM Unit gal x	Gallons	AF	FM s/n	FM Unit gal x	Gallons	AF	FM s/n	FM Unit gal x	Gallons	AF
135688	100			8413217	100			8870889	100		
Date Read	Reading			Date Read	Reading			Date Read	Reading		
October	11/5/2014	148786		11/5/2014	27256			11/5/2014	38133		
November	12/1/2014	155523	673700	12/1/2014	31023	376700	1.16	12/1/2014	38562	41600	0.13
December	1/5/2015	158032	250900	1/4/2015	31743	72000	0.22	1/5/2015	38965	41600	0.13
January	2/6/2015	165980	794800	2/1/2015	33778	203500	0.62	2/6/2015	39551	58600	0.18
February	3/2/2015	169315	333500	3/2/2015	38347	456900	1.40	3/2/2015	40675	112400	0.34
March	4/9/2015	181068	1175300	4/9/2015	45753	740600	2.27	4/9/2015	42846	217100	0.67
April			0.00	5/8/2015	51076	532300	1.63	5/8/2015	45580	273400	0.84
May	6/10/2015	229775	4870700	6/10/2015	58121	704500	2.16	6/1/2015	51130	555000	1.70
June			0.00				0.00				0.00
July			0.00				0.00				0.00
August			0.00				0.00				0.00
September	10/1/2015	340647	11087200	10/5/2015	88112	2999100	9.20	10/1/2015	66285	1515500	4.65
Total		34,064,700	19,186,100			8,811,200	6,085,600			6,628,500	2,815,200
			58.88				18.68				8.64
11 month total			58.88				18.68				8.64
Grand Total							86.20 Acre-Feet				
							86.20 Acre-Feet				



Obtained from Lucerne Valley Unified School District

# Exhibit 7

LUCERNE VALLEY UNIFIED SCHOOL DISTRICT- WELL WATER USAGE												
2015 - 16 Water Year												
LVHS/ Middle School				LV Elementary School				Mountain View/ District Office				
FM s/n	FM Unit gal x	Gallons	AF	FM s/n	FM Unit gal x	Gallons	AF	FM s/n	FM Unit gal x	Gallons	AF	
135688	100			8413217	100			8870889	100			
Date Read	Reading			Date Read	Reading			Date Read	Reading			
10/1/2015	340647			10/5/2015	88112			10/1/2015	66285			
October	11/2/2015	351381	1073400	3.29	11/2/2015	93812	570000	1.75	11/2/2015	68331	204600	0.63
November	12/1/2015	360001	862000	2.65	12/1/2015	99325	551300	1.69			233150	0.72
December	1/4/2016	364064	406300	1.25	1/4/2016	101830	250500	0.77	1/4/2016	72994	233150	0.72
January	2/1/2016	365023	95900	0.29	2/1/2016	103226	139600	0.43	2/1/2016	73104	11000	0.03
February	3/1/2016	371890	686700	2.11	3/1/2016	104945	171900	0.53	3/1/2016	74602	149800	0.46
March	4/1/2016	382015	1012500	3.11	4/1/2016	107458	251300	0.77	4/1/2016	76774	217200	0.67
April	5/2/2016	392167	1015200	3.12	5/2/2016	111096	363800	1.12	5/2/2016	78617	184300	0.57
May	6/1/2016	412166	1999900	6.14	6/1/2016	118016	692000	2.12	6/1/2016	80831	221400	0.68
June	7/6/2016	447331	3516500	10.79	7/6/2016	126367	835100	2.56	7/6/2016	85779	494800	1.52
July	8/1/2016	470825	2349400	7.21	8/1/2016	132648	628100	1.93	8/1/2016	89206	342700	1.05
August	9/5/2016	506055	3523000	10.81	9/5/2016	142089	944100	2.90	9/5/2016	93089	388300	1.19
September	10/3/2016	531000	2494500	7.66	10/3/2016	149027	693800	2.13	10/3/2016	96119	303000	0.93
Total		19,035,300	19,035,300	58.42		6,091,500	6,091,500	18.69		2,983,400	2,983,400	9.16
Grand Total				86.27 Acre-Feet								



Obtained from Lucerne Valley Unified School District

# Exhibit 7

LUCERNE VALLEY UNIFIED SCHOOL DISTRICT- WELL WATER USAGE												
2016-17 Water Year												
LVHS/ Middle School					LV Elementary School				Mountain View/ District Office			
	FM s/n	FM Unit gal x	Gallons	AF	FM s/n	FM Unit gal x	Gallons	AF	FM s/n	FM Unit gal x	Gallons	AF
	135688	100			8413217	100			8870889	100		
	Date Read	Reading			Date Read	Reading			Date Read	Reading		
	10/3/2016	531000			10/3/2016	149027			10/3/2016	96119		
October	11/1/2016	549175	1817500	5.58	11/1/2016	155406	637900	1.96	11/1/2016	98271	215200	0.66
November	12/1/2016	559254	1007900	3.09	12/1/2016	162642	723600	2.22	12/1/2016	99121	85000	0.26
December	1/3/2017	561731	247700	0.76	1/3/2017	164165	152300	0.47	1/3/2017	99776	65500	0.20
January	2/2/2017	563034	130300	0.40	2/2/2017	165781	161600	0.50	2/2/2017	99898	12200	0.04
February	3/1/2017	568523	548900	1.68	3/1/2017	167273	149200	0.46	3/1/2017	100659	76100	0.23
March												
April												
May												
June												
July												
August												
September												
Total		(53,100,000)	3,752,300	11.52		(14,902,700)	1,824,600	5.60		(9,611,900)	454,000	1.39
Grand Total	18.51 Acre-Feet											



Obtained from Lucerne Valley Unified School District



Exhibit 7

LUCERNE VALLEY UNIFIED SCHOOL DISTRICT- WELL WATER USAGE																
	LIVES- WEL					LIVES					MV/DO					TOTAL
	Date Read	Reading	Gallons	Acres-foot	Read By	Date Read	Reading	Gallons	Acres-foot	Read By	Date Read	Reading	Gallons	Acres-foot	Read By	
October																
November	11/5/2014	140784			RR	11/5/2014	27256			RR	11/5/2014	38133			RR	
December	12/1/2014	35823	672,700	2.87	RR	12/1/2014	31823	376,700	1.16	RR	12/1/2014	38562	42,900	0.13	RR	
January	1/5/2015	58052	250,900	0.77	RR	1/4/2015	31743	72,000	0.22	RR	1/5/2015	38965	40,300	0.12	RR	
February	2/6/2015	165986	794,800	2.44	RR	2/1/2015	33778	203,500	0.62	RR	2/6/2015	39551	58,600	0.18	RR	
March	3/2/2015	169315	333,500	1.02	RR	3/2/2015	38347	456,900	1.40	MH	3/2/2015	40675	112,400	0.34	RR	
April	4/9/2015	181066	1,175,300	3.61	RR	4/9/2015	45753	740,600	2.27	MH	4/9/2015	42846	217,100	0.67	RR	
May						5/8/2015	51076	532,300	1.63	MH	5/8/2015	45580	273,400	0.84	RR	
June	6/10/2015	228778	4,870,700	14.95	RR	6/10/2015	58121	704,500	2.16	RR	6/1/2015	51130	555,000	1.78	MH	
July																
August																
September																
October	10/1/2015	340647	1,007,200	31.93	RR	10/5/2015	88112	2,999,100	9.20	MH	10/1/2015	66285	1,515,500	4.65	RR	
2014-15 Total				58.88					18.68					8.64		
November	11/2/2015	351181	1,073,400	3.29	MH	11/2/2015	93812	570,000	1.75	MH	11/2/2015	68331	204,600	0.63	RR	
December	12/1/2015	360001	863,900	2.65	RR	12/1/2015	99325	551,300	1.69	RR						
January	1/4/2016	864864	406,300	1.23	RR	1/4/2016	101830	250,500	0.77	RR	1/4/2016	72994	466,300	1.43	RR	
February	2/1/2016	365223	95,900	0.29	RR	2/1/2016	103226	139,600	0.43	RR	2/1/2016	73104	11,000	0.03	RR	
March	3/1/2016	371096	406,700	1.11	RR	3/1/2016	104945	171,900	0.53	RR	3/1/2016	74662	149,800	0.46	RR	
April	4/1/2016	382017	1,812,300	5.11	RR	4/1/2016	107458	251,300	0.77	RR	4/1/2016	76774	217,200	0.67	RR	
May	5/2/2016	382167	1,812,300	5.11	RR	5/2/2016	111096	363,800	1.12	RR	5/2/2016	78617	184,300	0.57	RR	
June	6/1/2016	412166	3,099,900	9.14	RR	6/1/2016	118016	692,000	2.12	RR	6/1/2016	80831	221,400	0.66	RR	
July	7/6/2016	447348	3,574,500	10.79	RR	7/6/2016	126367	835,100	2.56	RR	7/6/2016	85774	594,800	1.52	RR	
August	8/1/2016	470025	2,349,600	7.21	RR	8/1/2016	132648	628,100	1.93	RR	8/1/2016	89206	342,700	1.05	RR	
September	9/5/2016	508055	3,523,000	10.87	RR	9/5/2016	142089	944,100	2.90	RR	9/5/2016	93089	388,300	1.19	RR	
October	10/3/2016	531000	2,494,500	7.66	RR	10/3/2016	149027	693,800	2.13	RR	10/3/2016	96119	303,000	0.93	RR	
2015-16 Total				58.42					18.69					9.16		
November	11/1/2016	584175	3,817,500	11.38	RR	11/1/2016	155406	637,900	1.96	RR	11/1/2016	98221	215,200	0.66	RR	
December	12/1/2016	579254	3,607,900	10.94	RR	12/1/2016	162642	723,600	2.22	RR	12/1/2016	99121	85,000	0.26	RR	
January	1/3/2017	564181	347,700	0.79	RR	1/3/2017	164165	152,300	0.47	RR	1/3/2017	99776	65,500	0.20	RR	
February	2/2/2017	568034	330,100	0.40	RR	2/2/2017	165781	161,600	0.50	RR	2/2/2017	99898	12,200	0.04	RR	
March	3/1/2017	568523	348,900	1.06	RR	3/1/2017	167273	149,200	0.46	RR	3/1/2017	100659	76,100	0.23	RR	
April																
May																
June																
July																
August																
September																
October																
2016-17 Total				11.52					5.60					1.39		
November																
December																

Obtained from Lucerne Valley Unified School District

## **EXHIBIT E**

DECLARATION OF LELAND P. MCELHANEY

Leland P. McElhaney declares and states:

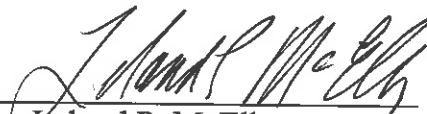
1. I am an attorney at law duly licensed to practice in all courts of the State of California, and a principal in the law firm of Brunick, McElhaney & Kennedy, PLC, counsel of record for the Mojave Water Agency which is serving as Watermaster in this matter. I have personal knowledge of all of the matters set forth herein and, if called as a witness, I could and would testify competently thereto.

2. In March 2022, I authored and sent to each of person who was then believed to own the parcels in question a letter indicating the Watermaster's belief they are either producing more than 10 acre feet of Basin groundwater annually or using Basin groundwater unlawfully for the cultivation of cannabis. I advised the property owners of the applicable provisions of the judgment; the Watermaster has determined they are either using more than 10 acre feet annually or using Basin groundwater to cultivate cannabis unlawfully; and that the Watermaster intend to take action to join them as parties to the adjudication. As to those who have not been identified as cultivating cannabis, I indicated they would be given an opportunity to stipulate to the judgment, and encouraged them to do so. The letters indicated further that Watermaster would seek to enjoin any use of Basin groundwater that was not authorized under the Judgment. Samples of the letters sent to the property owners are attached to the motion as Exhibits B and C.

3. I received responses from 7 property owners. One, a jujube farmer disputed he is using more than 10 acre feet of Basin groundwater annually. Several others indicated that lessees or other persons are using their properties, and may be doing so for unlawful purposes. I have not yet received any response from the other 57 property owners, and they have not disputed they are using more than 10 acre feet of Basin groundwater annually or cultivating cannabis.

I declare under penalty of perjury under the laws of the State of California that the

1 foregoing is true and correct, and that this declaration was executed in San Bernardino,  
2 California, on May <sup>18</sup>~~26~~, 2022.

3  
4   
5 Leland P. McElhaney  
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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 92307.

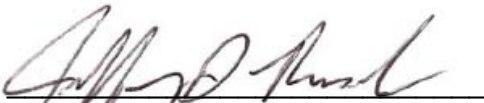
On May 20, 2022, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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 MOTION AND MOTION FOR LEAVE TO FILE SECOND AMENDED AND  
SUPPLEMENTAL CROSS-COMPLAINT; MEMORANDUM OF POINTS AND  
AUTHORITIES; SUPPORTING DECLARATIONS AND EXHIBITS**

  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 May 20, 2022 at Apple Valley, California.

  
\_\_\_\_\_  
Jeffrey D. Ruesch



## Mojave Basin Area Watermaster Service List as of May 20, 2022

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  
11600 Air Expressway  
Adelanto, CA 92301-1914

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

Attn: Pedro Dumaua  
(pdumaua@ducommun.com)  
Aerochem, Inc. (via email)  
4001 El Mirage Rd.  
Adelanto, CA 92301-9489

Attn: Lori Clifton  
(lclifton@robarenterprises.com)  
Agcon, Inc. (via email)  
17671 Bear Valley Road  
Hesperia, CA 92345-4902

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)  
29775 Hunter Road  
Murrieta, CA 92563-6710

Attn: Chun Soo Ahn  
(davidahnmd@gmail.com,  
chunsooahn@naver.com)  
Ahn, Chun Soo and David (via email)  
P. O. Box 45  
Apple Valley, CA 92307-0001

Attn: Chun Soo Ahn (chunsooahn@naver.com)  
Ahn, Chun Soo and Wha Ja (via email)  
P. O. Box 45  
Apple Valley, CA 92307-0001

Ake, Charles J. and Marjorie M.  
2301 Muriel Drive, Apt. 67  
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  
160 Via Verde, Ste. 100  
San Dimas, CA 91773-5121

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

Attn: Daniel B. Smith (avfwd@gmail.com)  
Apple Valley Foothill County Water District  
(via email)  
22545 Del Oro Road  
Apple Valley, CA 92308-8206

Attn: Matthew Patterson  
Apple Valley Heights County Water District  
P. O. Box 938  
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  
14955 Dale Evans Parkway  
Apple Valley, CA 92307-3061

Archibek, Eric  
41717 Silver Valley Road  
Newberry Springs, CA 92365-9517

Attn: Blaine Bilderback  
Atchison, Topeka, Santa Fe Railway Company  
2301 Lou Menk Drive, GOB-3W  
Fort Worth, TX 76131-2825

Attn: Deborah Stephenson  
(stephenson@dmsnaturalresources.com)  
Atchison, Topeka, Santa Fe Railway Company  
(via email)  
602 s. Ferguson Avenue  
Bozeman, MT 59718-6483

Avila, Angel and Evalia  
1523 S. Visalia  
Compton, CA 90220-3946

Attn: Sheré R. Bailey  
(LegalPeopleService@gmail.com)  
Bailey 2007 Living Revocable Trust, Sheré R.  
(via email)  
10428 National Blvd  
Los Angeles, CA 90034-4664

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

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

Attn: Casey Slusser  
(barlenwater@hotmail.com;  
casey.slusser@gmail.com)  
Bar-Len Mutual Water Company (via email)  
P. O. Box 77  
Barstow, CA 92312-0077

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)  
220 East Mountain View Street -Suite A  
Barstow, CA 92311

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

## Mojave Basin Area Watermaster Service List as of May 20, 2022

Attn: Remo E. Bastianon  
Bastianon Revocable Trust  
9484 Iroquois Rd.  
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 (Chuckb193@outlook.com;  
Chuckb193@outlook.com)  
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  
Riverside, CA 92508-

Box, Geary S. and Laura  
P. O. Box 402564  
Hesperia, CA 92340-2564

Attn: Marvin Brommer  
Brommer House Trust  
9435 Strathmore Lane  
Riverside, CA 92509-0941

Attn: Paul Johnson  
Brown, Bobby G. and Valeria R.  
26776 Vista Road  
Helendale, CA 92342-9789

Brown, Jennifer  
10001 Choiceana Ave.  
Hesperia, CA 92345

Bruneau, Karen  
19575 Bear Valley Rd.  
Apple Valley, CA 92308-5104

(irim@aol.com)  
Bryant, Ian (via email)  
15434 Sequoia Avenue - Office  
Hesperia, CA 92345-1667

(bubierbear@msn.com)  
Bubier, Diane Gail (via email)  
46263 Bedford Rd.  
Newberry Springs, CA 92365-9819

Attn: Noah Furie  
Budget Finance Company  
1849 Sawtelle Blvd., Ste. 700  
Los Angeles, CA 90025-7012

Bunnell, Dick  
8589 Volga River Circle  
Fountain Valley, CA 92708-5536

(kjbco@yahoo.com)  
Bush, Kevin (via email)  
7768 Sterling Ave.  
San Bernardino, CA 92410-4741

Attn: Shanna Ghale (shanna.ghale@associa.us)  
Calico Lakes Homeowners Association (via  
email)  
11860 Pierce Street, Suite 100  
Riverside, CA 92505-5178

Attn: Michael P. Naze  
(michael.naze@dot.ca.gov)  
California Department Of Transportation (via  
email)  
464 W. 4th Street  
San Bernardino, CA 92401-1407

Attn: Robert W. Bowcock  
CalMat Company  
405 N. Indian Hill Blvd.  
Claremont, CA 91711-4614

Attn: Catalina Fernandez-Moores  
(cfernandez@calportland.com)  
CalPortland Company - Agriculture (via email)  
P. O. Box 146  
Oro Grande, CA 92368-0146

Attn: Catalina Fernandez-Moores  
(cfernandez@calportland.com)  
CalPortland Company - Oro Grande Plant (via  
email)  
P. O. Box 146  
Oro Grande, CA 92368-0146

Attn: Tony Camanga  
Camanga, Tony and Marietta  
48924 Bedford Rd.  
Newberry Springs, CA 92365

Attn: Myron Campbell II  
Campbell, M. A. and Dianne  
12526 Donegal Way  
Houston, TX 77047-2810

Carlton, Susan  
P.O. Box 193  
Yermo, CA 92398-0193

Attn: Kevin Mangold  
Casa Colina Foundation  
P.O. Box 1760  
Lucerne Valley, CA 92356

Attn: Danielle Stewart  
(danielle.stewart@wildlife.ca.gov;  
Richard.Kim@wildlife.ca.gov;  
Alisa.Ellsworth@wildlife.ca.gov)  
CDFW - Camp Cady (via email)  
4775 Bird Farm Road  
Chino Hills, CA 91709-3175

Attn: Beahta Davis  
CDFW - Mojave Narrows Regional Park  
777 E. Rialto Avenue  
San Bernardino, CA 92415-1005

## Mojave Basin Area Watermaster Service List as of May 20, 2022

Attn: Paco Cabral  
(paco.cabral@wildlife.ca.gov;  
rebecca.jones@wildlife.ca.gov)  
CDFW - Mojave River Fish Hatchery (via  
email)  
12550 Jacaranda Avenue  
Victorville, CA 92395-5183

Attn: Alejandra Silva  
(alejandrav.silva@cemex.com)  
Cemex, Inc. (via email)  
16888 North E. Street  
Victorville, CA 92394-2999

Attn: Mary Tarrab  
Center Water Company  
P. O. Box 616  
Lucerne Valley, CA 92356-0616

Attn: Allene Rozell Cherie Krack  
Chafa, Larry R. and Delinda C.  
21643 Park Villa Dr.  
Katy, TX 77450-3912

Attn: Mary M Ross  
Chamisal Mutual Water Company  
1442 El Mirage Road  
El Mirage, CA 92301-9500

Attn: Carl Pugh (cpugh3@aol.com)  
Cheyenne Lake, Inc. (via email)  
44658 Valley Center Rd  
Newberry Springs, CA 92365-

Choi, Yong Il and Joung Ae  
34424 Mountain View Road  
Hinkley, CA 92347-9412

(joan.chong7@gmail.com;  
joancksp@hotmail.com)  
Chong, Joan (via email)  
10392 Shady Ridge Drive  
Santa Ana, CA 92705-7509

Christison, Joel  
P. O. Box 2635  
Big River, CA 92242-2635

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

Clark, Arthur  
P. O. Box 4513  
Blue Jay, CA 92317-4513

Attn: Erik Archibek  
Clark, Gary and Beth A.  
2443 Topanga Dr.  
Bullhead City, AZ 86442-8464

Attn: Manoucher Sarbaz  
Club View Partners  
9903 Santa Monica Blvd., PMB #541  
Beverly Hills, CA 90212-1671

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

Contratto, Ersula  
21814 Hinkley Road  
Barstow, CA 92311

Attn: George Starke  
Corbridge, Linda S.  
8743 Vivero St  
Rancho Cucamonga, CA 91730-

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

Cross, Sharon I.  
P. O. Box 922  
Lucerne Valley, CA 92356

Attn: Jay Hooper (jayho123@gmail.com)  
Crown Cambria, LLC (via email)  
9860 Gidley St.  
El Monte, CA 91731-1110

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

(dacostadean@gmail.com)  
DaCosta, Dean Edward (via email)  
32307 Foothill Road  
Lucerne Valley, CA 92356-8526

Attn: Crystal Romero  
(daggettsd@outlook.com;  
daggettwater427@gmail.com)  
Daggett Community Services District (via  
email)  
P. O. Box 308  
Daggett, CA 92327-0308

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

Attn: James Kelly  
(James.Kelly@clearwayenergy.com)  
Daggett Solar Power 3 LLC (via email)  
5780 Fleet Street, Suite 130  
Carlsbad, CA 92008-4715

(ron@dadcopowerandlights.com)  
Dahlquist, George R. (via email)  
8535 Vine Valley Drive  
Sun Valley, CA 91352-

Darr, James S.  
40716 Highway 395  
Boron, CA 93516

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 May 20, 2022

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

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

Attn: Zaritsky Penny  
(pennyzaritsky2000@yahoo.com)  
Desert Girlz LLC (via email)  
10757 Lincoln Road  
Lucerne Valley, CA 92356-7

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

Attn: Debby Wyatt  
DLW Revocable Trust  
13830 Choco Rd.  
Apple Valley, CA 92307-5525

Attn: Judith Dolch-Partridge, Trustee  
Dolch Living Trust Robert and Judith  
4181 Kramer Lane  
Bellingham, WA 98226-7145

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-

Attn: David Looper  
Douglas, Tina  
P.O. Box 1730  
Lucerne Valley, CA 92356-

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

Attn: Stephanie L. Evert  
(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  
(d2dittemore@bop.gov)  
Federal Bureau of Prisons, Victorville (via email)  
P. O. Box 5400  
Adelanto, CA 92301-5400

Fejfar, Monica Kay  
34080 Ord Street  
Newberry Springs, CA 92365-9791

(afc30@yahoo.com)  
Fernandez, Arturo (via email)  
28 Calle Fortuna  
Rancho Santa Margarita, CA 92688-2627

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)  
10045 Brockway St.  
El Monte, CA 91733-1107

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: Camille Yusuf  
(Allen@skylinecompany.com)  
Foothill Estates MHP, LLC (via email)  
9454 Wilshire Blvd., Ste. 920  
Beverly Hills, CA 90212-2925

(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

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

Attn: Mitch Hammack  
Gabrych, Eugene  
34650 Minneola Rd  
Newberry Springs, CA 92365-

## Mojave Basin Area Watermaster Service List as of May 20, 2022

Gaeta, Miguel and Maria  
9366 Joshua Avenue  
Lucerne Valley, CA 92356-8273

Attn: Jay Storer  
Gaeta, Trinidad  
10551 Dallas Avenue  
Lucerne Valley, CA 92356

Attn: Bruce Gaines (bgaines4@verizon.net)  
Gaines Family Trust, Jack and Mary (via email)  
8225 Marina Pacifica Drive N.  
Long Beach, CA 90803-7006

Garcia, Daniel  
223 Rabbit Trail  
Lake Jackson, TX 77566-3728

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

Garg, Om P.  
358 Chorus  
Irvine, CA 92618-1414

Attn: Brent Peterson  
Gayjikian, Samuel and Hazel  
34534 Granite Road  
Lucerne Valley, CA 92356-

Attn: Jeffrey Edwards  
(jedwards@fbremediation.com)  
GenOn California South, LP (via email)  
P. O. Box 337  
Daggett, CA 92327-0337

Attn: Nereida Gonzalez  
(ana.chavez@gswater.com,  
Nereida.Gonzalez@gswater.com)  
Golden State Water Company (via email)  
160 Via Verde, Ste. 100  
San Dimas, CA 91773-5121

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

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

Attn: Brian E. Bolin  
Green Acres Estates  
P. O. Box 29  
Apple Valley, CA 92307-0001

Attn: Nick Grill (terawatt@juno.com)  
Grill, Nicholas P. and Millie D. (via email)  
35350 Mountain View Road  
Hinkley, CA 92347-9613

Gubler, Hans  
P. O. Box 3100  
Landers, CA 92285

Attn: Tamara J Skoglund  
(TamaraMcKenzie@aol.com)  
Gulbranson, Merlin (via email)  
511 Minnesota Ave W  
Gilbert, MN 55741-

Gutierrez, Jose and Gloria  
24116 Santa Fe  
Hinkley, CA 92347

Attn: Bryan C. Haas and Mary H. Hinkle  
(resrv4you@aol.com)  
Haas, Bryan C. and Hinkle, Mary H. (via email)  
14730 Tigertail Road  
Apple Valley, CA 92307-5249

(hackbarthoffice@gmail.com)  
Hackbarth, Edward E. (via email)  
12221 Poplar Street, Unit #3  
Hesperia, CA, CA 92344-9287

Attn: Doug and Cheryl Hamilton  
Hamilton Family Trust  
19945 Round Up Way  
Apple Valley, CA 92308-8338

Attn: William Handrinos  
Handrinos, Nicole A.  
1140 Parkdale Rd.  
Adelanto, CA 92301-9308

Attn: Donald F. Hanify  
Hanify, Michael D., dba - White Bear Ranch  
PO BOX 1021  
Yermo, CA 92398-1021

Attn: Matt Wood (Matt.Wood@Hanson.com)  
Hanson Aggregates WRP, Inc. (via email)  
P. O. Box 1115  
Corona, CA 92878-1115

Attn: Mary Jane Hareson  
Hareson, Nicholas and Mary  
1737 Anza Avenue  
Vista, CA 92084-3236

Attn: Kenny Harmsen (harmsecow@aol.com)  
Harmsen Family Trust (via email)  
23920 Community Blvd.  
Hinkley, CA 92347-9721

Harter, Joe and Sue  
10902 Swan Lake Road  
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Harvey, Lisa M. (via email)  
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Haskins, James J.  
11352 Hesperia Road, #2  
Hesperia, CA 92345-2165

Hass, Pauline L.  
P. O. Box 273  
Newberry Springs, CA 92365-

Attn: Craig Carlson (kcox@helendalecsd.org;  
ccarlson@helendalecsd.org)  
Helendale Community Services District (via email)  
P. O. Box 359  
Helendale, CA 92342-0359

Attn: Joshua Behnke  
Helendale School District  
P. O. Box 249  
Helendale, CA 92342-0249

## Mojave Basin Area Watermaster Service List as of May 20, 2022

Attn: Jeff Gallistel  
Hendley, Rick and Barbara  
P. O. Box 972  
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Hensley, Mark P.  
35523 Mountain View Rd  
Hinkley, CA 92347-9613

Attn: Jeremy McDonald  
(jmcDonald@cityofhesperia.us)  
Hesperia - Golf Course, City of (via email)  
9700 Seventh Avenue  
Hesperia, CA 92345-3493

Attn: Janie Martinez  
(janiemartines@gmail.com)  
Hesperia Venture I, LLC (via email)  
10 Western Road  
Wheatland, WY 82201-8936

Attn: Jeremy McDonald  
(jmcDonald@cityofhesperia.us)  
Hesperia Water District (via email)  
9700 7th Avenue  
Hesperia, CA 92345-3493

Attn: Jeremy McDonald  
(tsouza@cityofhesperia.us)  
Hesperia, City of (via email)  
9700 Seventh Avenue  
Hesperia, CA 92345-3493

Attn: Patricia Mohr (ghd123@earthlink.net)  
Hettinga Revocable Trust (via email)  
7280 Eucalyptus Ave  
Ontario, CA 91762-7704

Attn: Lisset Sardeson  
Hi Desert Mutual Water Company  
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Barstow, CA 92311

(leehiett@hotmail.com)  
Hiett, Harry L. (via email)  
P. O. Box 272  
Daggett, CA 92327-0272

Attn: Robert W. Bowcock  
High Desert Associates, Inc.  
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Claremont, CA 91711-4614

Attn: Lori Clifton  
(lclifton@robarenterprises.com)  
Hi-Grade Materials Company (via email)  
17671 Bear Valley Road  
Hesperia, CA 92345-4902

Attn: Frank Hilarides  
Hilarides 1998 Revocable Family Trust  
37404 Harvard Road  
Newberry Springs, CA 92365

Attn: Katherine Hill (Khill9@comcast.net)  
Hill Family Trust and Hill's Ranch, Inc. (via email)  
84 Dewey Street  
Ashland, OR 97520-

Attn: Mary Thomas  
Hitchin Lucerne, Inc.  
P. O. Box 749  
Lucerne Valley, CA 92356-0749

Ho, Ting-Seng and Ah-Git  
P.O. Box 20001  
Bakersfield, CA 93390-0001

Attn: Joan Rohrer  
Hollister, Robert H. and Ruth M.  
2832 Buendia  
Mission Viejo, CA 92691-

Attn: Jeffrey R Holway and Patricia Gage  
(patricia.gage@yahoo.com)  
Holway Jeffrey R and Patricia Gage (via email)  
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Denver, CO 80202-1348

Holway, Jeffrey R  
1401 Wewatta St. #1105  
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Attn: Katherine K Hsu  
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Attn: Paul Hong  
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Covina, CA 91722-0432

Attn: Sandra D. Hood  
Hood Family Trust  
2142 W Paseo Del Mar  
San Pedro, CA 90732-4557

Attn: Gretchen Horton  
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Attn: David Howard  
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Hu, Minsheng (via email)  
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39392 Burnside Loop  
Astoria, OR 97103-8248

Attn: Ralph Hunt  
Hunt, Ralph M. and Lillian F.  
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Attn: Daniel and Karen Gray  
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(stevekim1026@gmail.com)  
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Torrance, CA 90505-3121

## Mojave Basin Area Watermaster Service List as of May 20, 2022

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Italmood Inc., et. al. (via email)  
80 Maple Road  
Easton, CT 06612-1036

Attn: James Jackson Jr.  
Jackson, James N. Jr Revocable Living Trust  
1245 S. Arlington Avenue  
Los Angeles, CA 90019-3517

Attn: Lawrence Dean  
Jackson, Ray Revocable Trust No. 45801  
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Redlands, CA 92375-1450

Attn: Audrey Goller  
(linda.rainer@newportpacific.com)  
Jamboree Housing Corporation (via email)  
15940 Stoddard Wells Rd - Office  
Victorville, CA 92395-2800

Attn: Gary A. Ledford  
(gledream@gmail.com)  
Jess Ranch Water Company (via email)  
906 Old Ranch Road  
Florissant, CO 80816-

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8626 Deep Creek Road  
Apple Valley, CA 92308

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Johnson, Paul (via email)  
10456 Deep Creek Road  
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Attn: Paul Johnson  
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10456 Deep Creek Road  
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Johnson, Ronald  
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Attn: Lawrence W. Johnston  
Johnston, Harriet and Johnston, Lawrence W.  
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Attn: Magdalena Jones  
(mygoldenbiz9@gmail.com)  
Jones Trust dated March 16, 2002 (via email)  
35424 Old Woman Springs Road  
Lucerne Valley, CA 92356-7237

Jones, Joette  
81352 Fuchsia Ave.  
Indio, CA 92201-5329

Attn: Paul Jordan  
Jordan Family Trust  
1650 Silver Saddle Drive  
Barstow, CA 92311-2057

Attn: Ray Gagné  
Jubilee Mutual Water Company  
P. O. Box 1016  
Lucerne Valley, CA 92356

Attn: Lee Logsdon  
Juniper Riviera County Water District  
P. O. Box 618  
Lucerne Valley, CA 92356-0618

Attn: Ash Karimi  
Karimi, Hooshang  
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Attn: Robert R. Kasner  
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Chino, CA 91710-

(Robertkasner@aol.com)  
Kasner, Robert (via email)  
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Katcher, August M. and Marceline  
47887 Palo Verde Lane  
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Kemp, Robert and Rose  
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Newberry Springs, CA 92365

Attn: Peggy Shaughnessy  
Kemper Campbell Ranch  
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Victorville, CA 92395-3357

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Kim, Ju Sang (via email)  
1225 Crestview Dr  
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Kim, Seon Ja  
34981 Piute Road  
Newberry Springs, CA 92365-9548

Attn: Richard Koering  
Koering, Richard and Koering, Donna  
40909 Mountain View Road  
Newberry Springs, CA 92365-9414

Kosharek, John and Joann  
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Newberry Springs, CA 92365-0357

Attn: Catherine Cerri  
(ccerri@lakearrowheadcsd.com)  
Lake Arrowhead Community Services District  
(via email)  
P. O. Box 700  
Lake Arrowhead, CA 92352-0700

Attn: Daniel Lindenman  
(happytiredwaterdog@yahoo.com)  
Lake Jodie Property Owners Association (via email)  
909 Armory Road, #126  
Barstow, CA 92311-5460

## Mojave Basin Area Watermaster Service List as of May 20, 2022

Attn: Nancy Lan  
Lake Waikiki  
230 Hillcrest Drive  
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Attn: c/o J.C. UPMC, Inc Lori Rodgers  
(timrohmbuilding@gmail.com)  
Lake Wainani Owners Association (via email)  
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(PhillipLam99@Yahoo.com)  
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Langley Revocable Trust and Sharon Lanagley  
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(jlangley@kurschgroup.com)  
Langley, James (via email)  
12277 Apple Valley Road, Ste. #120  
Apple Valley, CA 92308-1701

Attn: Vanessa Laosy  
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18203 Yucca St.  
Hesperia, CA 92345-

Attn: Robert Lawrence Jr.  
Lawrence, William W.  
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Newberry Springs, CA 92365

Lawson, Ernest and Barbara  
20277 Rock Springs Road  
Apple Valley, CA 92308-8740

Attn: Anna K. Lee (aklee219@gmail.com)  
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Loma Linda, CA 92354-6113

Lee, Doo Hwan  
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Lucerne Valley, CA 92356-0556

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

Attn: Eric Archibek  
Lee, Vin Jang T.  
41717 Silver Valley Road  
Newberry Springs, CA 92365

Lenhert, Ronald and Toni  
10083 Deep Creek Rd.  
Apple Valley, CA 92308-8322

Attn: Brad Francke  
LHC Alligator, LLC  
P. O. Box 670  
Upland, CA 91785-0670

Attn: Billy Liang  
Liang, Yuan - I and Tzu - Mei Chen  
4192 Biscayne St  
Chino, CA 91710-3196

Attn: Eric Larsen  
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tony.pena@libertyutilities.com)  
Liberty Utilities (Apple Valley Ranchos  
Water) Corp. (via email)  
P. O. Box 7005  
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Lin, Kuan Jung and Chung, Der-Bing  
2026 Turnball Canyon  
Hacienda Heights, CA 91745-

Attn: Manshan Gan  
Lo, et al.  
5535 North Muscatel, Avenue  
San Gabriel, CA 91776-1724

Attn: Patricia Miranda  
Lopez, Baltazar  
12318 Post Office Rd  
Lucerne Valley, CA 92356-

(lowgo.dean@gmail.com)  
Low, Dean (via email)  
3 Panther Creek Ct.  
Henderson, NV 89052-

Lua, Michael T. and Donna S.  
18838 Aldridge Place  
Rowland Heights, CA 91748-4890

Attn: Gwen L. Bedics  
Lucerne Valley Mutual Water Company  
P. O. Box 1311  
Lucerne Valley, CA 92356

Attn: Manoucher Sarbaz  
Lucerne Valley Partners  
9903 Santa Monica Blvd., PMB #541  
Beverly Hills, CA 90212-1671

Attn: Marian Walent  
(LVVMC677@gmail.com)  
Lucerne Vista Mutual Water Company (via  
email)  
P. O. Box 677  
Lucerne Valley, CA 92356-0677

Attn: Carolyn J. Luckey  
Luckey 2010 Revocable Trust  
10967 Kelvington Ln  
Apple Valley, CA 92308-3647

Attn: Kelly Darren (dkelly@terra-gen.com)  
Luz Solar Partners Ltd. IX (via email)  
437 Madison Ave., 22nd Floor, Ste. A  
New York, NY 10022

Attn: Eugene R. & Vickie R. Bird  
M Bird Construction  
1613 State Street, Ste. 10  
Barstow, CA 92311-4162



## Mojave Basin Area Watermaster Service List as of May 20, 2022

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

Attn: Robert Saidi  
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46622 Fairview Road  
Newberry Springs, CA 92365

Attn: Nichola Hawes Stein  
Maloney, Janice Hawes  
P. O. Box 356  
Los Gatos, CA 95030-0356

Attn: Jimmy Berry  
Manning, Sharon S.  
19332 Balan Road  
Rowland Heights, CA 91748-4017

Attn: Allen Marcroft  
Marcroft, James A. and Joan  
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Newberry Springs, CA 92365

Attn: James M. Hansen, Jr.  
(gmmrcwd@gmail.com; gm@mrcwd.org)  
Mariana Ranchos County Water District (via email)  
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Apple Valley, CA 92308-8605

Marshall, Charles  
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Newberry Springs, CA 92365-9482

Martin, Michael D. and Arlene D.  
32942 Paseo Mira Flores  
San Juan Capistrano, CA 92675

Attn: Rod Sexton  
McCollum, Charles L.  
15074 Spruce St  
Hesperia, CA 92345-2950

McKinney, Paula  
144 East 72nd  
Tacoma, WA 98404-1060

Attn: Olivia L. Mead  
Mead Family Trust  
31314 Clay River Road  
Barstow, CA 92311-2057

Attn: David I. Milbrat  
Milbrat, Irving H.  
P. O. Box 487  
Newberry Springs, CA 92365-0487

Attn: Donna Miller  
Miller Living Trust  
7588 San Remo Trail  
Yucca Valley, CA 92284-9228

Attn: David Rib (drib@mitsubishicement.com)  
Mitsubishi Cement Corporation (via email)  
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Attn: Philip Mizrahie  
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Los Angeles, CA 90048-

Attn: Thomas A. Hrubik (tahgolf@aol.com)  
MLH, LLC (via email)  
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Apple Valley, CA 92307-0049

Attn: Amy Langston (alangston@mdlt.org)  
Mojave Desert Land Trust (via email)  
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Joshua Tree, CA 92252-0849

Attn: Mahnas Ghamati  
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Mojave Solar, LLC (via email)  
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Attn: Doug Kerns  
(tmccarthy@mojavewater.org)  
Mojave Water Agency (via email)  
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Apple Valley, CA 92307-4377

Attn: Manoucher Sarbaz  
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Beverly Hills, CA 90212-1671

Attn: Ken Elliot (Billie@ElliotPlace.com)  
Morris Trust, Julia V. (via email)  
7649 Cypress Dr.  
Lanexa, VA 23089-9320

Moss, Lawrence W. and Helen J.  
38338 Old Woman Springs Road Spc# 56  
Lucerne Valley, CA 92356-8116

Attn: Jennie Most  
Most Family Trust  
23780 Cuyama Road  
Apple Valley, CA 92307-6723

Attn: Dennis Hills  
Mulligan, Robert and Inez  
35575 Jakobi Street  
Saint Helens, OR 97051-1194

Murphy, Jean  
46126 Old National Trails Highway  
Newberry Springs, CA 92365-9025

(z.music5909@gmail.com)  
Music, Zajo (via email)  
43830 Cottonwood Rd  
Newberry Springs, CA 92365-8510

Attn: James Hansen  
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Navajo Mutual Water Company (via email)  
21724 Hercules St.  
Apple Valley, CA 92308-8490

Attn: Billy Liang (flossdaily@hotmail.com;  
asaliking@yahoo.com)  
New Springs Limited Partnership (via email)  
4192 Biscayne St.  
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Attn: Jodi Howard  
Newberry Community Services District  
P. O. Box 206  
Newberry Springs, CA 92365-0206

Attn: Jeff Gaastra (jeff@weaponsedge.com)  
Newberry Springs Recreational Lakes  
Association (via email)  
32935 Dune Road, Space 10  
Newberry Springs, CA 92365-

## Mojave Basin Area Watermaster Service List as of May 20, 2022

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(keatherton@verizon.net)  
NSSLIC, Inc. (via email)  
9876 Moon River Circle  
Fountain Valley, CA 92708-7312

Núñez, Luis Segundo  
9154 Golden Seal Court  
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Attn: Pearl or Gail Nunn  
Nunn Family Trust  
P. O. Box 545  
Apple Valley, CA 92307-0010

Attn: Jeff Gaastra (jeffgaastra@gmail.com;  
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bbswift4044@cox.net)  
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220 E. Mountain View Street, Suite A  
Barstow, CA 92311-2888

Attn: Dorothy Ohai  
Ohai, Reynolds and Dorothy  
13450 Monte Vista  
Chino, CA 91710-5149

Attn: Craig Maetzold  
(craig.maetzold@omya.com)  
Omya California, Inc. (via email)  
7225 Crystal Creek Rd  
Lucerne Valley, CA 92356-8646

Attn: Nick Higgs  
Oro Grande School District  
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Oro Grande, CA 92368-0386

Attn: Taghi Shoraka  
P and H Engineering and Development  
Corporation  
1423 South Beverly Glen Blvd. Apt. A  
Los Angeles, CA 90024-6171

Attn: Jessica Bails (J4Dx@pge.com)  
Pacific Gas and Electric Company (via email)  
22999 Community Blvd.  
Hinkley, CA 92347-9592

Pak, Kae Soo and Myong Hui Kang  
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Perko, Bert K.  
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Attn: Sean Wright (swright@pphcsd.org;  
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Phelan Piñon Hills Community Services  
District (via email)  
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5511 Tenderfoot Drive  
Fontana, CA 92336-1156

Polich, Donna  
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Chula Vista, CA 91910-1714

Porter, Timothy M.  
34673 Little Dirt Road  
Newberry Springs, CA 92365-9646

Attn: Carin McKay  
Precision Investments Services, LLC  
791 Price Street, #160  
Pismo Beach, CA 93449-2529

Price, Donald and Ruth  
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Barstow, CA 92311-4027

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Newberry Springs, CA 92365

(s\_quakenbush@yahoo.com)  
Quakenbush, Samuel R. (via email)  
236 Iris Drive  
Martinsburg, WV 25404-1338

Attn: Ron Herrmann  
Quiros, Francisco J. and Herrmann, Ronald  
35969 Newberry Rd  
Newberry Springs, CA 92365-9438

Attn: Elizabeth Murena  
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Rancharitos Mutual Water Company (via  
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Apple Valley, CA 92307

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(LucerneJujubeFarm@hotmail.com)  
Rhee, Andrew N. (via email)  
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Lucerne Valley, CA 92356-0989

## Mojave Basin Area Watermaster Service List as of May 20, 2022

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Rice, Henry C. and Diana  
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Newberry Springs, CA 92365-

Attn: Ian Bryant  
Rim Properties, A General Partnership  
15434 Sequoia Road  
Hesperia, CA 92345-1667

Attn: Josie Rios  
Rios, Mariano V.  
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Barstow, CA 92312-1864

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(RayRizvi@Yahoo.com)  
Rizvi, S.R Ali (via email)  
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Victorville, CA 92392-4819

Attn: Jackie McEvoy  
Robertson's Ready Mix  
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Corona, CA 92878-3600

Attn: Susan Sommers  
Rossi Family Trust, James Lawrence Rossi  
and Naomi  
P. O. Box 120  
Templeton, CA 93465-0120

Attn: John D. Zemanek (jz@zmlawpc.com)  
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11845 Olympic Boulevard, Suite 625  
Los Angeles, CA 90064-

Attn: Sam Marich  
Rue Ranch, Inc.  
P. O. Box 133109  
Big Bear Lake, CA 92315-8915

Attn: Dale W. Ruisch  
Ruisch Trust, Dale W. and Nellie H.  
10807 Green Valley Road  
Apple Valley, CA 92308-3690

Attn: Sherwin Shoraka  
S and B Brothers, LLC  
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Los Angeles, CA 90024-6171

Attn: Jafar Rashid  
(jr123realestate@gmail.com)  
S and E 786 Enterprises, LLC (via email)  
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Los Angeles, CA 90016-3115

Attn: Sara Fortuna (sarajfortuna@gmail.com;  
fourteengkids@aol.com)  
Saba Family Trust dated July 24, 2018 (via  
email)  
212 Avenida Barcelona  
San Clemente, CA 92672-5468

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