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7	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
8	IN AND FOR THE	COUNTY OF RIVERSIDE	
9	CITY OF BARSTOW, et al	CASE NO.: CIV 208568	
10	Plaintiff,	(Proposed) <b>ORDER GRANTING</b> MOTION FOR LEAVE TO FILE	
11	v.	SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT	
12	CITY OF ADELANTO, et al	Time: 8:30 a.m.	
13	Defendant.	Date: June 30, 2022 Dept: 1	
14	AND RELATED CROSS ACTIONS		
15		Assigned for All Purposes to: Hon. Craig G . Riemer, Judge Presiding Dept. 1	
16 17		Reservation ID: 358564783129	
18	On June 30, 2022, the motion of Cro	oss-Defendant, the Mojave Water Agency, to	
19	, ,	came on regularly to be heard and was heard.	
20	•	party, the Mojave Water Agency. The following	
21	additional parties and counsel also appeared		
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27	After considering the points and auth	norities in support of the motion and the argument	
28	presented by counsel for the Mojave Water Agency and other interested parties, the Court (Proposed) ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT		

1 finds good cause exists to amend the cross-complaint as prayed for in the motion. 2 Accordingly, for good cause shown, the motion is granted. The Mojave Water 3 Agency is hereby authorized to file its Second Amended Cross-Complaint, a copy of which is attached as Exhibit 1 hereto. 4 5 The Mojave Water Agency is further authorized to cause a summons on the Second 6 Amended Cross-Complaint to be issued, and a true copy of the summons and Second 7 Amended Cross-Complaint to be served on each of the Non-Party Cross-Defendants and 8 each of the Cannabis Grower Cross-Defendants who are specifically named as additional parties in the Second Amended Cross-Complaint. 9 10 Pursuant to the provisions of *Code of Civil Procedure* section 474, the Mojave Water 11 Agency also is authorized to serve as Roe Cross-Defendants under the Second Amended 12 Cross-Complaint any other person who is discovered or determined to be producing more than 10 acre-feet of Groundwater annually, or who is producing or using Basin groundwater 13 14 to unlawfully cultivate or grow cannabis. Dated: June 30, 2022 15 16 Hon. Craig G. Riemer 17 JUDGE OF THE SUPERIOR COURT 18 19 20 21 22 23 24 25 26 27

# **EXHIBIT** 1

1 2	William J. Brunick, Esq. {SB No. 46289} Leland P. McElhaney, Esq. {SB No. 39257} BRUNICK, McELHANEY& KENNEDY	REVISED DRAFT PLC	
3	1839 Commercenter West P.O. Box 13130 San Bernardino, California 92423-3130	Exempt from filing fee pursuant to Gov't. Code Section 6103	
4	Í	Govi. Code Section 0103	
5 6	Telephone: (909) 889-8301 Facsimile: (909) 388-1889 E-Mail: bbrunick@bmklawplc.com lmcelhaney@bmklawplc.com	Deemed verified	
7	Attorneys for Defendant\Cross-Complainan MOJAVE WATER AGENCY	t,	
8	WOJAVE WATER AGENCT		
9	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
10	IN AND FOR THE COUNTY OF RIVERSIDE		
11			
12	CITY OF BARSTOW, et al	CASE NO.: CIV 208568	
13	Plaintiff,	SECOND AMENDED AND	
14	v. {	SUPPLEMENTAL CROSS-COMPLAINT	
15	CITY OF ADELANTO, et al		
16	Defendant.	Assigned for All Purposes to:	
17 18	AND RELATED CROSS ACTIONS	Hon. Craig G. Riemer, Judge Presiding Dept. 1	
19	Cross-complainant, the Mojave Water Agency, complains against the cross-defendants		
20	named herein, as follows:		
21	GENERAL	ALLEGATIONS	
22	1. Cross-complainant, the Mojave Wate	er Agency (hereafter, "cross-complainant") is, and	
23	at all times mentioned in this complaint was, a self-governing special water district duly		
24	organized and operating pursuant to the Mojave Water Agency Law, California Water Code		
25	Appendix Section 97. Pursuant thereto, cross-complainant has statutory authority to "do any and		
26	every act necessary to be done so that sufficient water may be available for any present or future		
27	beneficial use or uses of the lands or inhabitants of the agency, including, without limiting the		
28	generality of the foregoing, irrigation, domestic, fire protection, municipal, commercial, SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT		

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industrial, and recreational uses." (Stats. 1959, ch. 2146, section 15, p. 5134; 72A West's Ann. Wat,—Appen. (1999 ed) section 97-15, subd. (a), p. 208.)

- 2. This amended cross-complaint supplements, but does not replace or supersede, the allegations and causes of action stated in cross-defendant's First Amended Cross-Complaint filed on July 26, 1991.
- 3. Plaintiff is informed and believes, and based thereon alleges that:
  - Antonio Rosas, whose residential address is 12575 Hacienda Road, Phelan, CA a. 92371-9571 and/or 10826 7th Avenue, Hesperia, CA 92345-2358, is the owner of APNs 0448-591-15-000, 0453-471-06-000, 0461-161-06-000, 3130-091-09-000, 3131-351-06-000, and 3200-361-08-000 (collectively, "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;
  - b. Tony Doung aka Tony Ly Thoc Doung, whose residential address is 2230 Gates Street, Los Angeles, CA 90031-2906, is the owner of APN 0452-371-02-000 ("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, is unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;
  - c. Jie Dong, whose residential address is 4618 Peck Road Unit B, El Monte, CA 91732-4825, is the owner of APN 0461-021-08-000 ("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;

- d. Henghe LLC, a California limited liability company, whose registered agent for service is Tingliang Huang, 22632 Goldensprings Drive Unit 340, Diamond Bar, CA 91765 or 15751 Gilbert Court, Victorville, CA92394-6725, is the owner of APNs 0457-061-06-000, 0457-061-07-000, 0457-061-13-000, and 0457-061-34-000 ("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;
- e. Alexluu Ho and Liya Liu, whose residential address is 1306 S Raymond Avenue, Alhambra, CA91803-2339, are the owners of APN 0457-081-12-000 ("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;
- f. King Adventure Farms and Ranch LLC, is a California limited liability company, whose registered agent for service is Mark King, 4797 West Phillips Street, Ontario, CA 91762, is the owner of APNs 3131-101-01-000 and 3200-551-01-000 ("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, is unlawfully cultivating cannabis plants on the Property, or allowing other persons to do so;
- g. Jierong Lin, whose residential address is 355 Frankfort Street, Daly City, CA94014-1318, is the owner of APN 0461-085-08-000 ("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 SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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;
- 1. Amanda Qiaogun Baxter, whose residential address is 10026 Friesian Estates SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

Drive, Spring, TX77379-1415, is the owner of APNs 0457-073-01-000, 0457-392-02-000, 0457-392-06-000, and 3099-151-01-000 ("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;

- m. Huawen Yang and Michael Ung Quoc, whose residential address is 3715 Elderberry Circle, Corona, CA 92882-7990, and Johnson Yu Chang, Yu-Chuan Jennifer Chang, Chrisine Yu Chang, whose residential address is 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 SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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") 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;
- r. Suzie Linxiuzi Liu, whose residential address is 13291 Dancy Street, Eastvale, CA92880-3111 is the owner of APN 0458-082-19-000 ("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;
- s. Kong Zang Ni, whose residential address is 1362 Ellon Street, El Mirage, CA92301, is the owner of APNs 3131-201-01-000, 3200-361-11-000, 3200-601-04-000 ("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;
- t. J Sanchez aka J Trinidad Munoz Sanchez, whose residential address is 350 S. Willow Avenue, SPC 63, Rialto, CA92376-6342, is the owner of APN 3100-291-05-000 ("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 SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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

- u. Shunxing Weng, whose residential address is 135 W. Newmark Avenue, 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, CA 91803-1628, 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, SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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 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;

- ad. Chung Won Kim, whose residential address is 15565 Meridian Road Lucerne Valley, CA 92356-7030, is the owner of APN 0453-032-64-000 ("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;
- ae. Jose De Jesus Ayon, Felicitas Ayon, Josefina Perez, Abel Perez, Norma Carvajal, and Salvador Ayon whose residential address is 752 Vineland Avenue, La Puente, CA91746-1913, are the owners of APN 0457-241-36-000 ("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;
- af. Jiyeon K. Song, whose residential address is 183 Lockford, Irvine, CA92602-0952, is the owner of APN 3099-171-21-000 ("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;
- ag. Jilin Xiao and Xiaoli Dang, whose residential address is 43 Lyndhurst, Irvine, CA92620-2141, are the owners of APN 0450-025-16-000 ("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;
- ah. Jae Chang Joo and Ran Sook Jung, whose residential address is 1234 Western Avenue, Los Angeles, CA90006 and/or 2530 W 18<sup>th</sup> Street, Los Angeles, CA90019-6214, are the owners of APNs 0452-121-24-000 and 0452-121-25-000 SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

("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;

- ai. Young Joo Lee and Hosull Lee, whose residential address is P.O. Box 826, Lucerne Valley, CA92356-0826, are the owners of APN 0450-022-37-000 ("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;
- aj. En A Choi, whose residential address is 14117 S. Ainsworth Street, Gardena, CA90247-2131, is the owner of APNs 0451-111-10-000 and 0452-051-45-000 ("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;
- ak. The Fasoja Living Trust, whose residential address is P.O. Box 2847, Apple Valley, CA92307-0054, is the owner of APN 0449-131-11-000 ("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;
- al. Mingxiang Sun, whose residential address is 225 N. Baltimore Avenue, Apt B, Monterey Park, CA91754-1672, is the owner of APN 3101-041-04-000 ("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 cultivating cannabis plants on the Property, or allowing other persons to do so;
- am. Come Mission Inc., whose registered agent for service is Minkyoung Jung, and whose address is 1520 James M Wood Blvd., Los Angeles, CA90015-1110, is the owner of APN 0451-132-09-000 ("the Property") located within the Basin Area and, by use of a water well or water wells located on the Property, is producing SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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

- an. Jasper Young Kim and Joy Boonwha Kim, whose residential address is 2665 Amber Wood Place, Thousand Oaks, CA91362-1231, is the owner of APN 0451-424-01-000 ("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;
- ao. Chong Chol Kim and Kyung Kim, whose residential address is 9494 Baker Road, Lucerne Valley, CA7290, are the owners of APNs 0451-146-12-000 and 0451-146-36-000 ("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;
- ap. Vincenzo Cappelino and Theresa Cappelino, whose residential address is 13571 Choco Road, Apple Valley, CA92308-4545, are the owners of APN 0450-163-24-000 ("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;
- aq. Raul Ovidio Prudencio, Trustee of The Raul O Prudencio Living Trust, whose residential address is 10880 Kendall Road, Lucerne Valley, CA92356-9303, is the owner of APNs 0451-481-04-000 and 0451-031-14-000 ("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;
- 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 Aliento 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 demands of the combined parties and requesting a determination of the water rights of whatever nature within the MWA boundaries and the Mojave Basin Area.
- 6. On January 10, 1996, Judgment After Trial was entered in the action. In pertinent part, the Judgment provides:
  - q. Minimal Producer Any Person whose Base Annual Production, as verified by MWA is not greater than ten (10) acre-feet. A Person designated as a Minimal Producer whose annual Production exceeds ten (10) acre-fee in any Year following the date of entry of Judgment is no longer a Minimal Producer.

(Pages 9-10)

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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 this action] pursuant to Paragraph 12 and shall be subject to Administrative, Replacement Water, Makeup Water and Biological Resources Assessment.

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(Page 5, emphasis added.)

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14. <u>Injunction Against Unauthorized Production</u>. 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.

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(Page 22)

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a. <u>Jurisdiction</u>. 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 pursuant to Article X, Section 2 of the California Constitution.

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(Page 3; emphasis added.)

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7. Article 10, Section 2 of the California Constitution provides that, "because of the conditions prevailing in this State the general welfare requires that the water resources of the

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State be put to beneficial use to the fullest extent of which they are capable, and that the waste

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conservation of such waters is to be exercised with a view to the reasonable and beneficial use

or unreasonable use or unreasonable method of use of water be prevented, and that the

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thereof in the interest of the people and for the public welfare."

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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

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of the waters of the Basin Area . . ." (Judgment, para. 20; emphasis added.) Use of the Basin's

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limited water supply to unlawfully cultivate cannabis plants, by definition, is not a reasonable

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or beneficial use and, therefore, should be enjoined and prohibited to prevent further overdraft

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9. Cross-complainant was appointed and is acting under the Judgment as Watermaster "to

of the Basin and to protect and preserve the limited water supply within the Basin.

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administer and enforce the provisions of this Judgment and any subsequent orders of this Court

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issued in the performance of its continuing jurisdiction" (para. 23 of the Judgment). Paragraph

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24, subdivision "u" of the Judgment, authorizes the cross-complainant, in its role as

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Watermaster, "To bring such action or motion as is necessary to enjoin unauthorized Production SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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

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

- 10. On June 23, 2021, the Court encouraged the cross-complainant to: identify parties or non-parties who are producing water contrary to the provisions of the Judgment; attempt to persuade such non-parties to stipulate to the Physical Solution in the Judgment; and, if necessary, file an action to enjoin improper or unauthorized production or use of Basin groundwater (see 6/23/2021 Transcript., 7:14-8:7; 9:26-10:9).
- 11. Section 84.34.030 of the San Bernardino County Code prohibits the operation of 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.

12. 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.

- 13. Section 84.34.020(f) defines "cultivation" as "Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis . ."
- 14. Cross-defendants' unauthorized or unlawful conduct, or conduct contrary to the terms of the Judgment, unless and until enjoined and restrained by order or amended judgment of this court, will cause additional overdrafting of the Basin's groundwater, and great and irreparable injury to the Basin and to the rights of the parties to the Judgment.
- 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

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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		

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

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

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

- 20. Cross-complainant incorporates herein as though set forth in full herein the allegations of paragraphs 1 through 15 above, and 25 through 29 below.
- Cross-complainant is informed and believe, and thereon alleges that cross-defendants
  Antonio Rosas, Tony Doung aka Tony Ly Thoc Doung, Jie Dong, Henghe LLC, Alexlu Ho,
  Liya Liu, King Adventure Farms and Ranch LLC, Jierong Lin, Cresencio Ramirez, Victoria
  Ramirez, Agustin Rodriquez, Anna Marie Marquez, and ROES 601 through 1000 (hereafter,
  "Cannabis Grower Cross-Defendants") are producing or using Basin groundwater for illegal
  - cultivation of cannabis/marijuana as defined and prohibited in San Bernardino County Code section 84.34.
    - 22. Plaintiff is informed and believes, and thereon alleges that each of the Cannabis Grower Cross-Defendants has, and at all times relevant hereto had, actual or constructive knowledge of the unlawful use of Basin groundwater produced or used as aforesaid, and each of them is causing, leasing, allowing, permitting, aiding, abetting, suffering or concealing unlawful cannabis/marijuana cultivation in violation of San Bernardino County Code section 84.34.
    - 23. Producing or using Basin groundwater for unlawful cultivation of cannabis/marijuana is not a reasonable or beneficial use of water, and is not authorized or permitted under the terms of the Judgment. Accordingly, the Cannabis Grower Cross-Defendants should be permanently enjoined and prohibited from producing or using Basin groundwater to cultivate cannabis/marijuana.

#### THIRD CAUSE OF ACTION

- (Nuisance *Per Se* for illegal land use in violation of San Bernardino Code section 84.34 prohibiting commercial cannabis cultivation in unincorporated areas of the County -- against Cannabis Grower Cross-Defendants and Roes 601 through 1000)
- 24. Cross-complainant incorporates herein as though set forth in full herein the allegations of paragraphs 1 through 15 and 21 through 23 above.

SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

- 25. Cross-complainant is informed and believes, and thereon alleges that from an exact date unknown, and at all times herein mentioned, the Cannabis Grower Cross-Defendants and Roes 601 to 1,000 have knowingly caused, allowed, permitted, aided, abetted, suffered or concealed production or use of Basin groundwater for unlawful cannabis/marijuana cultivation in unincorporated areas of the County, and in violation of San Bernardino County Code section 84.34.
- 26. Cross-complainant is informed and believes, and thereon alleges that the Basin has sustained great and irreparable injury because the use of Basin groundwater for unlawful cannabis cultivation causes, and has caused, further depletion and overdraft of the Basin groundwater, to the detriment of the Basin and all of its stakeholders.
- 27. The Basin stakeholders cannot be fully compensated in damages and are without a plain, speedy or adequate remedy at law because the exact amount of the damage and injury to the Basin, the stakeholders' interest therein, and the general public's health, safety and welfare are unascertainable.
- 28. Cross-complainant if informed and believes, and thereon alleges that unless each Cannabis Grower Cross-Defendant is restrained and enjoined by order of this court and/or the court provides other equitable relief permissible by law, the Cannabis Grower Cross-Defendants will continue to cause, lease, allow, permit, aid, abet, suffer or conceal the unlawful production and use of Basin groundwater for unlawful cultivation of cannabis/marijuana, in violation of this court's Judgment and San Bernardino County Code section 84.34.
- 29. Injunctive relief or appointment of a receiver to take possession of property, cease the production or use of Basin groundwater for unlawful cannabis cultivation, remove all fixtures and equipment used in aiding and abetting the nuisance, are necessary to secure compliance with the Judgment and the laws of the County of San Bernardino and to abate the public nuisance *per se* caused, allowed, permitted, aided, abetted, suffered or concealed by Cannabis Grower Cross-Defendants relating to their production or use of Basin groundwater for the unlawful purposes described herein.

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#### PRAYER FOR RELIEF

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

#### AS TO FIRST CAUSE OF ACTION:

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

#### AS TO SECOND AND THIRD CAUSES OF ACTION:

- 2. For an order requiring the Cannabis Grower Cross-Defendants and Roes 601 through 1,000 to show cause, if any they have, why they should not be enjoined as set forth in this cross-complaint, during the pendency of this action;
- 3. For a temporary restraining order, a preliminary injunction, and a permanent injunction, all enjoining and prohibiting each of the Cannabis Grower Cross-Defendants and Roes 601 through 1,000, and their respective agents, servants, and employees, and all persons acting under, in concert with, or for them:
- From producing or using Basin Area groundwater to cultivate cannabis/marijuana, as defined and prohibited in section 84.34 of the San Bernardino County Code;
- To dismantle all equipment, fixtures, materials and structures of any kind b. or nature used to produce or use Basin Area groundwater to cultivate cannabis/marijuana, as defined and prohibited in section 84.34 of the San Bernardino County Code.
- For an order appointing a receiver to take possession of the equipment, fixtures, materials and structures which are being used to produce or use Basin groundwater for illegal cultivation of cannabis/marijuana, and to dismantle and remove all equipment and fixtures used for the purpose of producing or using Basin groundwater to unlawfully SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

cultivate cannabis/marijuana. AS TO ALL CAUSES OF ACTION: For costs of suit incurred in this action; and 5. For such other and further relief as the court deems proper. Dated: May 19, 2022 BRUNICK, MCELHANEY & KENNEDY PLC By Leland P. McElhaney
Attorneys for Defendant/Cross-complainant,
MOJAVE WATER/AGENCY 

1 2 3 4 5	William J. Brunick, Esq. {SB No. 46289} Leland P. McElhaney, Esq. {SB No. 39257} BRUNICK, McELHANEY& KENNEDY P 1839 Commercenter West P.O. Box 13130 San Bernardino, California 92423-3130 Telephone: (909) 889-8301 Facsimile: (909) 388-1889 E-Mail: bbrunick@bmklawplc.com	PLC  Exempt from filing fee pursuant to Gov't. Code Section 6103	
6	lmcelhaney@bmklawplc.com		
7 8	Attorneys for Defendant\Cross-Complainant 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	CASE NO.: CIV 208568	
13	Plaintiff,	PROOF OF CERVICE OF (Proposed)	
14	v.	PROOF OF SERVICE OF (Proposed) ORDER GRANTING MOTION FOR	
15	CITY OF ADELANTO, et al	LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS- COMPLAINT	
16	Defendant.		
17 18	AND RELATED CROSS ACTIONS	Time: 8:30 a.m. Date: June 30, 2022 Dept: 1	
19		Assigned for All Purposes to: Hon. Craig G. Riemer, Judge Presiding Dept. 1	
20		Reservation ID: 358564783129	
21		Reservation 113. 330304/03123	
22			
23			
24			
25			
26			
27			
28	PROO	FOFSERVICE	

### **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 June 28, 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:

### (Proposed) ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED AND SUPPLEMENTAL CROSS-COMPLAINT

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

Executed on June 28, 2022 at Apple Valley, California.

2 Amil

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