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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.

CASE NO.: CIV 208568

**WATERMASTER'S SUPPLEMENTAL
REPORT AS REQUIRED BY THE
COURT'S DECEMBER 7, 2022 ORDER**

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

17 **AND RELATED CROSS ACTIONS**
18

19
20 Watermaster provides the following supplemental report in response to the Court's
21 December 7, 2022 Order, as follows:¹

22 **1. Aerial Photography.**

23 The aerial photography referenced in the Watermaster's November 30, 2022 report to the
24 Court was taken on various dates in 2021; aerial photography is taken and reviewed annually.
25 2022 aerial photography now exists depicting the 3,400 square miles comprising the adjudicated
26

27
28 ¹ A true and correct copy of the court's December 7, 2022 Order is attached as Exhibit 1
hereto.

1 Basin area. As time and other resources permit, the 2022 aerial photography will be examined
2 for the purpose of identifying other parcels deemed to be either producing more than 10 acre-
3 feet of Basin groundwater annually (afa), or using Basin groundwater for the unlawful
4 cultivation of cannabis. Based upon the information acquired from examination of additional
5 aerial photography, Watermaster will then amend the County of San Bernardino Superior Court
6 complaint to name -- as additional defendants therein -- the owners of the additional parcels
7 believed to be either producing more than 10 afa of Basin groundwater, or using Basin
8 groundwater for the unlawful cultivation of cannabis.

9 **2. Standard Crop Duties.**

10 Paragraph 24, subdivision "w" of the Judgment provides the Watermaster is authorized
11 and directed, "To rely on and use the best available records and data to support the
12 implementation of this judgment. Where actual records of data are not available, Watermaster
13 shall rely on and use sound scientific and engineering estimates." "Standard crop duties" refers
14 to the use of published data for various water use types including turf and landscape to estimate
15 water usage under various climate conditions. Watermaster uses the best available data and
16 methods to estimate water production; because direct measurement is often not possible or
17 feasible, it is sometimes necessary to make educated assumptions. Watermaster makes certain
18 assumptions for small producers for indoor use based on domestic household use from other
19 metered sources like municipal small system producers, information developed by Watermaster
20 from wastewater disposal data from the Victorville Waste Water Reclamation Authority
21 (VWVRA). For crops, turf, landscaping, riparian plants, Watermaster evaluates water demands
22 using published climate data from the California Irrigation Management Information System
23 (CIMIS) and water use standards from the California Department of Water Resources' Bulletins
24 and the Food and Agriculture Organization Drainage and Irrigation Paper No. 56 (FAP 56).

25 **3. Conclusions regarding water usage by identified parties and properties.**

26 At the request of certain named defendants in the San Bernardino action, the Watermaster
27 and its engineer have performed inspections of various parcels to determine whether cannabis
28 is being unlawfully cultivated on those properties, or more than 10 af of Basin groundwater

1 actually is being produced on such properties annually. Where the Watermaster and its engineer
2 have confirmed that more than 10 afa of Basin groundwater is not being produced on the
3 identified parcels, and cannabis is not being unlawfully cultivated thereon, the owners of such
4 parcels have been dismissed from the San Bernardino action, without prejudice.

5 Several property owners also have indicated their intention to reduce water production
6 to less than 10 afa, to install flow meters on their wells to confirm the reduced water production
7 and, also, to allow the Watermaster's representatives to inspect their properties to confirm that
8 water production has been reduced to less than 10 afa. Accordingly, one of the likely outcomes
9 of the San Bernardino action will be reduced water production by at least some of the property
10 owners previously identified as producing more than 10 afa.

11 Subject to the foregoing, the Watermaster's preliminary conclusions regarding water
12 usage by the additional parties named in the San Bernardino lawsuit are set forth in Exhibit 2
13 attached hereto.

14 **4. Defendants named in the San Bernardino action.**

15 Based upon the available aerial photography, the Watermaster and its engineer also have
16 now identified persons in the Alto, Baja and Central subareas, and in the Alto Transmission
17 Zone, who own parcels of real property that are believed to be producing more than 10 af of
18 Basin groundwater annually, or using Basin groundwater for the unlawful cultivation of
19 cannabis. Implementing the procedures mandated in Code of Civil Procedure section 474, the
20 Watermaster has amended the complaint in the San Bernardino action to name such additional
21 property owners in place of previously named "Doe" defendants.

22 In some instances, the Watermaster also has discovered title has been transferred to new
23 owners of certain of the identified parcels of real property; whereupon, Watermaster dismissed,
24 without prejudice, the prior property owners that were originally named in the San Bernardino
25 action, and named the current title owners as additional defendants (in the place of previously
26 named Doe defendants).

27 The caption of the San Bernardino complaint names as defendants, "All persons who are
28 not presently parties to the comprehensive groundwater adjudication in *City of Barstow, et al.*,

1 v. *City of Adelanto, et al.*, Riverside Superior Court Case No. CIV 208568, and are either
2 producing more than 10 acre-feet of Basin groundwater annually, or using Basin groundwater
3 for unlawful purposes, and Does 1 through 2,000.” The body of the complaint specifically
4 names, as defendants therein, 61 separate property owners. As of the date of this report,
5 Watermaster has filed C.C.P. section 474 amendments to the complaint naming as additional
6 defendants therein 50 additional property owners, for a total of 111 property owners who are
7 now named in the San Bernardino action by their true names. Of these, 44 have been served with
8 copies of the complaint and summons, and 7 have filed Answers to the complaint. Watermaster
9 has filed requests for entry of default as to 14 of the named and served defendants.

10 **5. Motion for Coordination.**

11 On November 30, 2022, MWA submitted to the Chair of the Judicial Council a Petition
12 for coordination of this action with the San Bernardino action; on December 1, 2022, the
13 Judicial Council sent an e-mail noting the Petition was “accepted.” On November 30, 2022,
14 MWA filed in this action copies of its Petition for coordination and its Notice of Submission of
15 Petition for Coordination. On December 1, 2022, MWA filed in the San Bernardino action
16 copies of its Petition for coordination and its Notice of Submission of Petition for Coordination.
17 On December 2, 2022, a conformed file copy of the Notice of Submission of Petition for
18 Coordination filed in the San Bernardino action was e-mailed to the Judicial Council. On
19 December 5, 2022, a conformed file copy of the Notice of Submission of Petition for
20 Coordination filed in this action was e-mailed to the Judicial Council. Watermaster also served
21 on all named parties who had appeared in both actions a copy of its Petition for coordination and
22 its Notice of submission of Petition for Coordination. As of the date of this report, no party to
23 either action has filed an objection to the request for coordination. While the coordination
24 Petition is pending, Watermaster will continue to prosecute the San Bernardino action.

25 On December 23, 2022, the Chief Justice of California and Chair of the Judicial Council
26 issued an ORDER ASSIGNING COORDINATION MOTION JUDGE. The Order directs that
27 the Presiding Judge of the Superior Court of California, County of Riverside, is authorized to
28 assign this matter to a judge of the court to sit as coordination motion judge to determine

WATERMASTER’S RESPONSE TO THE COURT’S DECEMBER 7, 2022 ORDER

1 whether the included actions are complex and, if so, whether coordination of those actions is
2 appropriate. A true and correct copy of the Order is attached as Exhibit 3 hereto. Pursuant to the
3 Order, Watermaster will serve a copy of the Order on all parties to the included actions, and on
4 the clerk of each court for filing in each included action. A Status Conference on the Petition
5 for Coordination is now scheduled for February 27, 2023, at 8:30 a.m. in Department 1 of the
6 Superior Court of the County of Riverside.

7 **6. Does MWA have legal authority to impose requirement that a producer submit to**
8 **an inspection to determine whether cannabis is being unlawfully cultivated on the**
9 **producer's property and, if so, is there any reason not to perform such inspections?**

10 The Mojave Water Agency Law set forth in Water Code Appendix §§97-1 to 97-48.5
11 does not grant general police powers to MWA or authorize MWA to perform inspections to
12 determine whether producers are using Basin groundwater for the unlawful cultivation of
13 cannabis.

14 Water Code Appendix section 97-15.3 provides that, "The agency, in addition to the
15 other powers enumerated in this act, may undertake any necessary measures with regard to wells
16 or facilities used for the extraction of groundwater, whether operating, inactive, or abandoned,
17 in order to enhance the management of groundwater resources." Section 97-46
18 ("Implementation of judgment; authorized actions"), in part, authorizes MWA to:

19 (b) Adopt regulations that do all of the following:

20 (1) Regulate the amounts of production.

21 (2) Identify approved devices or methods to measure or estimate production.

22 . . .

23 (g) Require each producer to submit to the agency, pursuant to procedures to be
24 established by the agency, a report that includes the total production of the producer for
25 each reporting period rounded off to the nearest tenth of an acre-foot, and any additional
26 information and supporting documentation that the agency may require.

27 None of these provisions may reasonably be interpreted to grant MWA broad powers to
28 perform inspections of private property to ascertain the types of crops being grown. While
MWA could perform "drive-by windshield" inspections without entering onto a producer's

1 private property, such would only disclose the existence of hoop houses or nursery-like
2 structures on various properties, but would not disclose the types of crops being cultivated in
3 the hoop houses or nursery-like structures, or even whether any crops are currently being
4 cultivated within such structures.

5 While paragraphs 12 and 23(u) of the January 10, 1996 Judgment authorize the
6 Watermaster to bring an action or motion to enjoin any Production that is not pursuant to the
7 terms of the Judgment, those sections also do not authorize MWA or the Watermaster to conduct
8 inspections of private property to confirm that Basin groundwater is not being used unlawfully
9 or contrary to the terms of the Judgment.

10 Accordingly, in response to the court's inquiry, it appears MWA and the Watermaster
11 lack legal authority to require that producers submit to private property inspections regarding
12 suspected cannabis cultivation. Nonetheless, MWA and the Watermaster will continue to
13 partner and share information with the San Bernardino County sheriff, and request that the
14 sheriff continue to conduct its own inspections of properties suspected of using Basin
15 groundwater to cultivate cannabis unlawfully.

16 **7. Does San Bernardino County have the legal authority to impose the right to inspect**
17 **as a condition of the county's issuance of a well permit? If so, has the County been**
requested to do so?

18 Depending upon the circumstances, the issuance of a well permit may be either
19 discretionary or ministerial under CEQA, and this determination must be made on a case-by-
20 case basis (*Protecting Our Water and Environmental Resources et al., v. County of Stanislaus*
21 *et al.* (2020) 10 Cal.5th 479). Because the groundwater within this adjudicated Basin is seriously
22 depleted, and has been so for decades – with serious environmental implications – Watermaster
23 believes that well permitting within the adjudicated groundwater Basin area must be deemed to
24 be “discretionary.” Accordingly, the entity granted well permitting authority (in this case, the
25 County of San Bernardino) must determine whether a proposed well project should be shaped
26 by requiring, for example, the mandatory metering of the proposed well – in which event the
27 permitting authority could issue a mitigated negative declaration if the well permit applicant
28 agreed to that condition, or deny the application if the well permit applicant did not.

1 Nonetheless, it is doubtful that CEQA environmental concerns could be used to justify
2 conditioning well permit approval upon property owners agreeing to inspections of their private
3 property to confirm that groundwater is not being used for the unlawful cultivation of cannabis.
4 Independent of the well permitting process, however, the County's sheriff's department has
5 policing authority and the ability to obtain the legal authority to inspect properties located within
6 the adjudication Basin boundaries for unlawful cannabis cultivation; and the sheriff has been
7 directed to do so by the County of San Bernardino.

8 **8. Phelan Pinion Hills Community Services District.**

9 As noted in Watermaster's prior report, based upon Phelan Pinion Hills CSD's request,
10 and the court's direction, the Watermaster has shared information with the CSD regarding well
11 permitting and possible unlawful cannabis cultivation within the CSD's spheres of interest and
12 influence. Watermaster has no expectation or specific understanding as to what the CSD may
13 do with such information, except to continue to monitor groundwater production within the
14 CSD's spheres of interest and influence and, perhaps, to coordinate with the County sheriff in
15 the latter's efforts to eradicate unlawful cannabis cultivation within the Basin's adjudicated
16 boundaries.

17 **9. Legislative efforts to increase the Agency's role in the well permitting process.**

18 MWA is now considering whether to request statutory amendments to its enabling Act
19 (Water Code Appendix section 97-1 et seq.) that would grant MWA specific authority in the
20 well permitting process and/or the ability to perform inspections to determine whether
21 groundwater is being produced for unlawful or manifestly wasteful purposes, or contrary to the
22 provisions and terms of the Judgment. After MWA determines the legislative changes or
23 modifications, if any, it proposes to be made to its authority under its enabling Act, MWA will
24 enlist other prominent stakeholders within the Basin to support any proposed legislative
25 amendments to the Act.

26 **10. Results of voluntary inspections.**

27 A number of property-owner defendants in the San Bernardino action have requested that
28 their properties be inspected to confirm the amounts of groundwater production on their

1 properties and/or whether cannabis is being unlawfully cultivated thereon. Inspections have been
2 performed and, in some instances, based upon the information acquired through such
3 inspections, some property-owner defendants have been dismissed from the San Bernardino
4 action, without prejudice.

5 **11. Are flowmeters reasonably necessary, at least for producers whose production is**
6 **not obviously less than 10 afa?**

7 Watermaster's engineer estimates that 95% of groundwater production within the Basin
8 currently is being measured through flowmeters or other approved measuring devices or
9 methods. The remaining 5% is estimated to be minimal producers, most of whom pump less
10 than 1 acre foot annually. It is important to remember that the adjudicated Basin encompasses
11 about 3,400 square miles, making it extremely difficult, if not impossible, to enforce an
12 Ordinance or Court Order requiring small pumpers to install, maintain, and provide regular
13 reports regarding groundwater quantities pumped. There are about 2,500 minimal producers. No
14 two are alike, meaning each one would require a site specific installation or adaptation to install
15 a measuring device. Further, each device would require maintenance, as well as someone to read
16 and report the data. At present, the cost of such a requirement, and the cost and effort needed
17 to enforce that requirement, would likely outweigh, by a considerable margin, the benefit
18 derived therefrom. However, Watermaster and MWA will continue to evaluate the feasibility
19 of requiring the installation of flowmeters as technology and cost improve.

20 Notwithstanding the foregoing, it may make sense to require installation of flowmeters
21 by those producers whose production is not obviously less than 10 afa.

22 **12. Advisability of a mandatory metering program for small producers?**

23 For the reasons explained in paragraph 11 above, a mandatory metering program for
24 small pumpers likely would not result in a significant reduction in groundwater pumping in the
25 Basin, and enforcement of such a requirement would be difficult at best. Nonetheless,
26 Watermaster responds to the Court's questions, as follows:

27 **a. Does MWA have the authority to require that small producers install flowmeters**
28 **on their wells?**

Watermaster believes the answer to this question is "Yes." As noted above, Water Code

Appendix section 97-15.3 provides that, “The agency, in addition to the other powers enumerated in this act, **may undertake any necessary measures with regard to wells or facilities used for the extraction of groundwater . . . in order to enhance the management of groundwater resources.**” Section 97-46 (“Implementation of judgment; authorized actions”), in part, authorizes MWA to:

(b) Adopt regulations that do all of the following:

(1) Regulate the amounts of production.

(2) **Identify approved devices or methods to measure or estimate production.**

...

(g) Require each producer to submit to the agency, pursuant to procedures to be established by the agency, **a report that includes the total production of the producer for each reporting period rounded off to the nearest tenth of an acre-foot**, and any additional information and supporting documentation that the agency may require.

The foregoing provisions of the Act do not distinguish between large and small producers. Therefore, the foregoing provisions of the Agency’s enabling Act do appear to grant to MWA the authority to mandate that small pumpers install flowmeters. As noted above, however, enforcement of that mandate will be difficult, and the cost/benefit relationship of such a requirement remains unclear.

b. Does the Court have the authority to order the Watermaster to require that flowmeters be installed by small producers who stipulate to the judgment?

Paragraph 21 of the Judgment states, “It is essential that this Physical Solution provide maximum flexibility and adaptability in order that **the Court may be free to use existing and future technological . . . options** in order to maximize reasonable beneficial use of the waters of the Basin Area. To that end, **the Court’s retained jurisdiction may be utilized where appropriate, to supplement the Physical Solution.**” (Emphasis added.) This provision of the Judgment might be construed as providing the Court with authority to supplement the Physical Solution, to authorize and order the Watermaster to require that flowmeters be installed by small pumpers who stipulate to the judgment.

1 \\\n2 Additionally, paragraph 24 of the Judgment provides that Watermaster’s powers and\n3 duties include those that are “hereafter ordered or authorized by the Court in the exercise of its\n4 continuing jurisdiction.” Paragraph 24, subdivision “d” specifically authorizes the Watermaster\n5 “To adopt rules and regulations regarding determination of amounts of Production **and**\n6 **installation of individual water meters.** The rules and regulations shall provide for approved\n7 devices or methods to measure or estimate Production.”

8 Paragraph 24, subdivision “p” provides that the Watermaster is authorized “To require\n9 each Producer to file with Watermaster, . . . a report . . . showing the total Production of such\n10 Party for each reporting period . . .” However, the Judgment as presently constituted does not\n11 authorize Watermaster to require such reports from minimal (small) producers generally. This\n12 is so because “Producer,” as defined in paragraph 4, subdivision “y” specifically excludes\n13 minimal producers.

14 Nonetheless, the forgoing provisions of the Judgment appear to provide the Court with\n15 authority to supplement the Physical Solution, for the purpose of authorizing and ordering the\n16 Watermaster to require that flowmeters be installed by small pumpers who stipulate to the\n17 judgment.

18 **c. Does San Bernardino County have the authority to require the installation of**
19 **flowmeters when issuing a well permit?**

20 Watermaster believes the answer to this question is, “Yes.” As paragraph 12 of the\n21 Judgment notes, “Because of the existence of Overdraft, any Production outside the framework\n22 of this Judgment and Physical Solution will contribute to an increased Overdraft, potentially\n23 damage the Mojave basin Area and public interests in the Basin area, injure the rights of all\n24 Parties, and interfere with the Physical Solution.” As a result of the Basin’s decades-long\n25 overdraft condition, issuance of well permits should be “discretionary” acts that include a review\n26 of CEQA considerations and requirements. One matter to be considered is whether there is an\n27 available water supply and, if so, whether the requested additional water well will exacerbate\n28 the adjudicated Basin’s overdrafted condition. As part of that analysis and to mitigate any

1 negative environmental impacts, for any properties located within the adjudicated Basin area,
2 the County (or any other party who should be granted well permitting authority) should have the
3 authority to require the installation of flowmeters as a condition for issuance of well permits.

4 Notwithstanding the foregoing, the additional approach most likely to succeed in
5 significantly reducing, or at least regulating, groundwater pumping in the Basin is to implement
6 the Judgment's requirement that owners of properties that are producing more than 10 afa, or
7 are using Basin groundwater for unlawful or wasteful purposes, be identified and then made
8 subject to the provisions of the Judgment. That is the goal and purpose of the recently filed San
9 Bernardino lawsuit.

10 Dated: January 20, 2023

Respectfully submitted,
BRUNICK, McELHANEY & KENNEDY, PLC

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12
13 By: _____

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Leland P. McElhaney
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MOJAVE WATER AGENCY
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EXHIBIT 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: City of Barstow v. City of Adelanto

CASE NO.: CIV208568

DATE: December 7, 2022

Department 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 07 2022

Mr. L. Howell

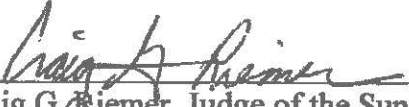
PROCEEDING: Order Directing Watermaster to File Supplemental Report in Response to the Court's Order of June 3, 2022

In its order filed 6-3-22, the Court directed the Watermaster to file a report regarding various topics specified in the order, all dealing with efforts to identify and abated unauthorized production in the basis. The Watermaster filed that report on 11-30-22. Having reviewed that report, the Court orders the Watermaster to file a supplemental report no later than 1-20-23, addressing the following questions:

1. The report refers to the Watermaster's analysis of aerial photography. (P. 2, l. 12.)
 - a. How recent were the images that it analyzed?
 - b. Are more recent images obtained on a regular basis? If so, how often? If not, why not?
2. The report refers to "standard crop duties." (P. 2, l. 18.) What are those, and why are they an acceptable means of quantifying production?
3. The report promises that the Watermaster will provide the Court with "the Watermaster's conclusions regarding water usage by the parties and properties identified." (P. 2, ll. 23-24.) When does the Watermaster expect to provide that information to the Court?
4. The report refers to the "defendants named" in the Watermaster's San Bernardino Superior Court action. (P. 3, l. 15.) According to the caption of that action (Ex. 1), 2000 fictitiously named defendants are named, but no defendants were named by their true names. Presumably, the complaint has been amended to name some of the Doe defendants by their true names, pursuant to Code of Civil Procedure section 474.
 - a. How many defendants have been named by their true name?
 - b. How many of those have been served?
5. The report states that the Watermaster has sought coordination of the San Bernardino case with the instant case. (P. 3, ll. 22-24.)
 - a. The Watermaster shall keep the Court advised of the status of that request.
 - b. While the coordination petition is pending, the Watermaster shall continue to prosecute the San Bernardino case.
6. The report states that there is no way to confirm cannabis irrigation without a physical inspection. (p. 4, ll. 1-2.)

- a. Does the WMA have the legal authority impose a requirement that a producer submit to such an inspection? If so, is there any reason not to do so?
 - b. Does the San Bernardino County have the legal authority to impose the right to inspect as a condition of the county's issuance of a well permit? If so, has the county been requested to do so?
7. The report describes the provision of information by the Watermaster to the Phelan Pinion Hills CSD. (P. 4, ll. 21-26.) What does the Watermaster expect the CSD to do with that information?
8. The report states that the MWA's legislative advocates have expressed concern about finding a legislator to carry legislation to give the MWA authority over well permits. Has the MWA attempted to enlist the aid of any of the more prominent (and potentially influential) producers in that effort, such as Mitsubishi or large farming operations, or other interested parties, such as the CSD and Newberry Springs Recreational Lakes Association?
9. The report notes that some defendants have asked that the Watermaster inspect their property "to determine whether their water usage exceeds 10 acre-feet annually." (P. 3, ll. 17-18.) That suggests that the property owners themselves do not know their level of water production. If true, doesn't that suggest that flowmeters are reasonably necessary, at least for producers whose production is not obviously less than 10 acre-feet?
10. The report concedes that a mandatory metering program "might be effective for new producers." (P. 6, l. 4.) If the decision were made to impose such a requirement:
 - a. Would the MWA have the authority to do so?
 - b. Does this Court have the authority to order the Watermaster to do so as to new producers who stipulate to submit themselves to the judgment in this action?
 - c. Would San Bernardino County have the authority to do so when issuing a well permit?

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



Craig G. Kiemer, Judge of the Superior Court

EXHIBIT 2

**Mojave Basin Watermaster Production
Estimated Water Consumption of Potential Parties**

Parties	Subarea	Potential Water Requirements (afa)	Land Use	Estimated Crop Acreage	APN(s)	Notes from Site Visit 11/15/2022 & 11/16/2022
Lee, Young Hee	Este	35.0	Orchards	8.5	0450-162-01	
Lucerne Valley USD -STIPULATED	Este	86.4	Turf Grass & Domestic	14.9	0450-051-20, 0450-081-28, 0450-081-47, 0449-111-02	Remove from list.
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, Oeste, Alto Transition Zone, Alto, & Centro	33.0	Cannabis & Lake	4.8	0453-471-06, 0448-591-15, 0461-161-06, 3130-091-09, 3131-351-06, 3200-361-08, 0465-332-07, 0462-042-16, 0419-051-13, 0419-051-09, 0419-021-04, 0419-031-02, 0470-143-25, 0466-171-10, 0493-251-13, 0489-251-03	
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 & Myoung Soon Kang	Este	15.4	Jujubes	6.9	0453-062-64	Remove from list.
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	

**Mojave Basin Watermaster Production
Estimated Water Consumption of Potential Parties**

Parties	Subarea	Potential Water Requirements (afa)	Land Use	Estimated Crop Acreage	APN(s)	Notes from Site Visit 11/15/2022 & 11/16/2022
Chang, Johnson Yu Chang, Yu-Chuan Jennifer Chang, Christine Yu Yang, Huawei 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, Alexluu 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, Crescencio and Victoria	Oeste & Alto	13.8	Cannabis	2.7	0457-082-19, 0457-112-14, 0457-112-24, 0457-122-23, 0457-122-39	Remove from list.
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 & Xue Xiuli	Oeste	15.6	Registered Hemp	3.6	0457-021-43	
Zhao Zhiwei	Oeste	10.3	Registered Hemp	2.4	3200-351-02	

**Mojave Basin Watermaster Production
Estimated Water Consumption of Potential Parties**

Parties	Subarea	Potential Water Requirements (afa)	Land Use	Estimated Crop Acreage	APN(s)	Notes from Site Visit 11/15/2022 & 11/16/2022
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	Remove from list.
Li, Dequan	Oeste	49.9	Row Crops & Registered Hemp	11.0	3099-261-01	
Xiao, Jilin Dang Xiaoli	Este	15.8	Jujubes & Domestic	8.0	0450-025-16	Possibly stipulating, no domestic water used. Portable classroom being used as a mobile home with no running water.
Joo, Jae Chang Jung, Ran Sook	Este	61.8	Orchards & Domestic	16.0	0452-121-24, 0452-121-25	
Choi, En A	Este	63.1	Orchards & Jujubes	23.5	0451-111-10, 0452-051-45	
Fasoja 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 & Joy Boonwha	Este	21.9	Orchards & Trees/Bushes	5.2	0451-424-01	Remove from list.
Kim, Kyung Ja and Chong Chol	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 & Domestic	4.9	0451-481-04, 0451-031-14	Scheduled visit with owner, owner failed to appear.
Alfaro-Saucedo, Indalfer	Alto Transition Zone	46.3	Cannabis, Row Crops, & Lake	9.3	0469-011-79 0469-011-78	

**Mojave Basin Watermaster Production
Estimated Water Consumption of Potential Parties**

Parties	Subarea	Potential Water Requirements (afa)	Land Use	Estimated Crop Acreage	APN(s)	Notes from Site Visit 11/15/2022 & 11/16/2022
Avokus Home Investments LLC	Alto Transition Zone	15.6	Cannabis	3.6	0460-013-08, 0465-021-31, 0462-301-03, 0462-581-15, 0461-111-04, 0460-361-05, 0460-351-28	
Capital Land Investments LLC	Alto Transition Zone	24.0	Cannabis	5.6	0462-075-61	
Chainyk, Mike	Alto Transition Zone	29.3	Turf Grass, Trees, & Bushes	5.4	0469-011-18, 0469-041-06, 0469-041-07, 0469-041-08	
Chen, Bingming	Baja	36.8	Cannabis and Lake	8.5	0530-152-65	
Chen, Jing	Alto Transition Zone	19.5	Cannabis	4.5	0462-063-29	
Chun, Yung Sook	Alto Transition Zone	53.6	Row Crops	10.6	0458-122-39	
Cisneros, Jorge Espinoza	Alto Transition Zone	4.8	Cannabis	1.1	0465-021-29, 0465-021-28	
Cwluu Associate Inc	Baja	11.2	Cannabis, Domestic, & Orchards	2.5	0529-121-35	
Fan, Yingzhou	Alto Transition Zone	18.8	Cannabis	4.4	0458-091-07	
Hernandez, Oscar Bonilla	Centro	15.3	Cannabis	3.6	0495-112-22, 0495-023-28, 0489-251-02	
Huang, Weilong	Baja	15.0	Cannabis	3.5	0530-201-33	
Ip, Johnson	Baja	8.5	Cannabis, Domestic, & Orchards	1.9	0529-121-34	
Jiang, Lili	Baja	17.6	Cannabis	4.1	0515-171-06, 0515-171-58	
Las Vegas Seafood Buffet Inc	Alto Transition Zone	8.6	Cannabis	2.0	0462-571-19	
Liu, Jun	Centro	14.6	Cannabis	3.4	0495-132-12	
Najera, Mirian R	Alto Transition Zone	18.8	Cannabis	4.4	0462-353-13, 0462-154-55, 0462-353-52	
Padron, Herminia Vargas; Lozano, Adrian A	Alto Transition Zone	15.0	Cannabis	3.5	0465-302-15, 0465-343-15, 0465-343-16 0462-302-09, 0465-171-09, 0460-412-03	

**Mojave Basin Watermaster Production
Estimated Water Consumption of Potential Parties**

Parties	Subarea	Potential Water Requirements (afa)	Land Use	Estimated Crop Acreage	APN(s)	Notes from Site Visit 11/15/2022 & 11/16/2022
Peng, Guojun Ichu	Baja	18.9	Cannabis, Domestic, & Lake	4.3	0516-272-36, 0529-121-20	
Phan, Loan Ngoc	Alto Transition Zone	11.9	Cannabis	2.8	0462-075-44	
Smart Greenhouse Inc	Centro	65.1	Cannabis	15.1	0490-042-01	
Tangxuang, LLC	Alto Transition Zone	48.5	Cannabis	11.3	3210-531-01, 3210-531-02, 3210-531-03, 3210-531-04, 3210-531-05	
Tian, Yuan	Centro	10.4	Cannabis	2.4	0420-262-20	
Vonwendlandt, Erik E	Baja	11.3	Cannabis & Orchards	2.6	0529-111-24	
Wang, Ke Xiang	Alto Transition Zone	47.5	Cannabis	11.0	0460-581-05	
Wu, Yanchun	Alto Transition Zone	56.2	Cannabis	13.1	0458-031-14	
Xie, Manna	Centro	176.0	Cannabis	40.9	0490-011-02	
Xu, Chunmei	Baja	9.9	Cannabis	2.3	0515-171-05	
Yang, Song Li	Centro	15.4	Cannabis	3.6	0420-262-01	
Yang, Victoria	Alto Transition Zone	11.2	Cannabis	2.6	0458-132-21	
Yida Investment Company	Centro	70.0	Cannabis	16.3	0496-051-55	
Yu, Anna	Baja	10.9	Cannabis	2.5	0530-111-18	
Zhang, Hua	Baja	11.6	Cannabis	2.7	0531-141-13	
Zhou, Yanna	Baja	43.4	Cannabis	10.1	0530-192-47	
Big Bliss LLC ¹	Alto	0.0	Trees/Bushes	0.0	4111-822-21	
Buddhist-Town, LLC ¹	Alto	21.1	Orchards, Lake, & Trees/Bushes	4.1	4111-822-22, 4111-822-20	
Duran, Jose and Imelda	Alto	40.6	Hemp	9.4	3129-011-01	
FA Chan Temple ¹	Alto	39.0	Trees/Bushes	7.2	4111-822-23	
Golden Roseland LLC	Alto	23.8	Cannabis	5.5	3070-331-01	
Gutierrez, Pedro	Alto	1.1	Cannabis	0.3	4330-143-35	
Kubak, Leslie E	Alto	13.3	Jujubes	6.0	4361-520-03	
Liang, Jikai	Alto	9.8	Cannabis	2.3	3069-471-08	
Navarrete, Antonio De Jesus Rosas	Alto	11.8	Cannabis	2.7	4605-710-01, 3101-271-04, 4640-224-42	
Shadow Mountain Ranch, LLC	Centro	1,397.6	Alfalfa & Bermuda Grass	245.0	0489-161-11	
Reddy, Prem Family Trust	Alto	16.0	Turf Grass	3.0	4790-410-07	
SE Combined Services Inc	Alto	61.2	Cemetery	11.4	3072-251-20	

**Mojave Basin Watermaster Production
Estimated Water Consumption of Potential Parties**

Parties	Subarea	Potential Water Requirements (afa)	Land Use	Estimated Crop Acreage	APN(s)	Notes from Site Visit 11/15/2022 & 11/16/2022
Xing, Chang Zai	Alto	12.0	Hemp	2.8	3065-481-04	
-	Total:	4,159.6	-	-	-	

Notes:

1. Buddhist-Town, LLC, FA Chan Temple, and Big Bliss, LLC are all part of the same group sharing the same wells.

References

1. Allen, R.G. et al. (1998). FAO No. 56 Irrigation and Drainage Paper.
2. California Irrigation Management Information System (CIMIS).
3. Robert C. Wagner. (2019). Consumptive Water Use Study and Production Safe Yield Update.
4. Jan M.H. Hendrickx and Robert C. Wagner. (2021). Water Requirements of Cannabis sativa for Mojave Hoop House Marijuana Production.
5. Jan M.H. Hendrickx and Robert C. Wagner. (2022). Water Requirements of Jujube Trees in the Mojave Basin.
6. Accessor Parcel Numbers from CoreLogic RealQuest and ParcelQuest, accessed March and August 2022.
7. Kevin J. Gustorf, P.E. (2020). City of Ventura - Ventura Water. Final Water Demand Factor Study.

EXHIBIT 3

CHAIR, JUDICIAL COUNCIL OF CALIFORNIA
455 Golden Gate Avenue, San Francisco, CA 94102-3688

Coordination Proceeding
Special Title (Rule 3.550)

MOJAVE BASIN WATER CASES

Included actions:

City of Barstow, et al. v. City of
Adelanto, et al.

The Mojave Water Agency v. All
Persons who are not presently parties.

JUDICIAL COUNCIL
COORDINATION PROCEEDING
NO. 5265

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
NO. CIV208568

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
NO. CIVSB2218461

ORDER ASSIGNING COORDINATION MOTION JUDGE

THE PRESIDING JUDGE of the Superior Court of California, County of Riverside, is hereby authorized to assign this matter to a judge of the court pursuant to Code of Civil Procedure section 404 and rule 3.524 of the California Rules of Court to sit as coordination motion judge to determine whether the included actions set forth in the caption are complex (rule 3.502), and if so, whether coordination of those actions is appropriate. If the coordination motion judge grants the petition for coordination, the judge must (1) recommend a particular superior court for the site of the coordination proceedings, pursuant to rule 3.530, and (2) select the reviewing court having appellate jurisdiction if the actions to be coordinated are within the jurisdiction of more than one reviewing court, pursuant to rule 3.505(a).

Pursuant to Code of Civil Procedure section 404.5 and rule 3.515, pending the determination of whether coordination is appropriate, the coordination motion judge may stay any action being considered for, or affecting an action being considered for, coordination.

Pursuant to rule 3.524, the clerk of each court in which an included action is pending is directed to file this order in the included action. Also pursuant to rule 3.524, all documents required to be submitted to the coordination motion judge must be transmitted to the court address designated below:

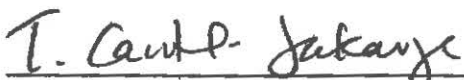
Presiding Judge of the Superior Court of California,
County of Riverside
4050 Main Street
Riverside, CA 92501-3702

Pursuant to rule 3.511, a copy of every notice of opposition, application for stay order, stay order, notice of hearing on the petition, and order granting or denying coordination must be transmitted to the Chair of the Judicial Council at the following address:

Chair, Judicial Council of California
Attn: Appellate Court Services
(Civil Case Coordination)
455 Golden Gate Avenue, 5th Floor
San Francisco, CA 94102-3688

Petitioner is directed to serve a copy of this order on (1) all parties to the included actions, and (2) the clerk of each court for filing in each included action.

Dated: December 23, 2022



Chief Justice of California and
Chair of the Judicial Council

CHAIR, JUDICIAL COUNCIL OF CALIFORNIA

PROOF OF SERVICE BY MAIL

JUDICIAL COUNCIL COORDINATION NUMBER: 5265	CASE NUMBER:
--	--------------

1. I am over the age of 18 and not a party to this legal action.
2. I am employed in the City and County of San Francisco and my business address is

**455 Golden Gate Avenue
San Francisco, CA 94102-3688**

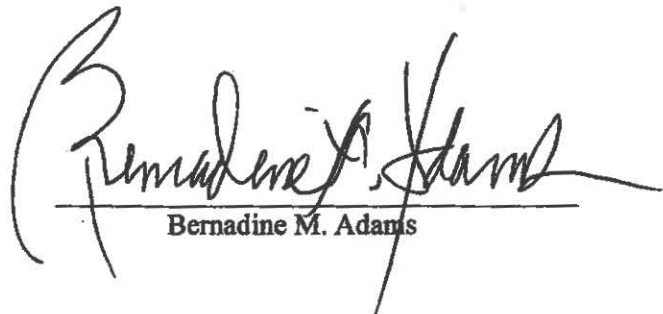
3. On December 28, 2022, I served a copy of the following documents:

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | ORDER ASSIGNING COORDINATION MOTION JUDGE |
| <input type="checkbox"/> | ORDER ASSIGNING COORDINATION TRIAL JUDGE |
| <input type="checkbox"/> | ORDER ASSIGNING COORDINATION MOTION JUDGE
AND SETTING DATE FOR HEARING |
| <input type="checkbox"/> | AMENDED ORDER ASSIGNING COORDINATION MOTION JUDGE |
| <input type="checkbox"/> | AMENDED ORDER ASSIGNING COORDINATION TRIAL JUDGE |
| <input type="checkbox"/> | OTHER |

on the interested parties listed on the attached mailing list by placing a true copy enclosed in a sealed envelope with postage fully prepaid in the outgoing mailbox in my office, in accordance with ordinary business practices for deposit with the United States Postal Service in San Francisco, California. I am readily familiar with my office's business practice for collection of and processing of correspondence for mailing, and under that practice the above document is being deposited with the United States Postal Service this date in San Francisco, California, in the ordinary course of business.

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

Date: Wednesday, December 28, 2022


Bernadine M. Adams

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 January 23, 2023, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

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

WATERMASTER'S SUPPLEMENTAL REPORT AS REQUIRED BY THE COURT'S DECEMBER 7, 2022 ORDER

 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 January 23, 2023 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of January 23, 2023

Attn: Roberto Munoz
35250 Yermo, LLC
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Ades, John and Devon (via email)

Attn: Pedro Dumaua
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Mojave Basin Area Watermaster Service List as of January 23, 2023

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Beinschroth, Andy Eric
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Best, Byron L.
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Mojave Basin Area Watermaster Service List as of January 23, 2023

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Mojave Basin Area Watermaster Service List as of January 23, 2023

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Mojave Basin Area Watermaster Service List as of January 23, 2023

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Mojave Basin Area Watermaster Service List as of January 23, 2023

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Mojave Basin Area Watermaster Service List as of January 23, 2023

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