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Mountain Ranch, LLC

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF RIVERSIDE

13 CITY OF BARSTOW, et al.,

14 Plaintiffs,

15 v.

16 CITY OF ADELANTO, et al.,

17 Defendants.

Lead Case No. CIV208568  
JCCP5265 MOJAVE BASIN WATER  
CASES

Judge: Craig Riemer, Department 1

**DECLARATION OF CHRISTOPHER  
PISANO IN SUPPORT OF MOTION TO  
INTERPRET AND CLARIFY THE  
JUDGMENT**

*[Filed concurrently with:  
1. Motion to Interpret/Clarify;  
2. Declaration of Tony Morgan;  
3. Declaration of Timothy Walsh;  
4. Request for Judicial Notice;  
and  
5. [Proposed] Order.]*

Date: Jan. 8, 2024  
Time: 8:30am  
Dept: 1

**[Reservation ID: 001680774956]**

Action Filed: May 30, 1990

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**DECLARATION OF CHRISTOPHER PISANO**

I, Christopher Pisano, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am an attorney with the law firm of Best Best & Krieger LLP, attorneys of record for Specially-Appearing Petitioner Shadow Mountain Ranch, LLC (“SMR”). I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could competently testify to all matters set forth herein.

2. I make this declaration in support of SMR’s motion to interpret and clarify the scope of the January 10, 1996, Judgment and Physical Solution (“Motion”).

3. Attached hereto as Exhibit “1” is a true and correct copy of the California Groundwater Bulletin 118, excerpt of Harper Valley Groundwater Basin, Basin No. 6-47 (“Bulletin 118”).

4. Bulletin 118 is publicly-available at the following website: [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/6\\_047\\_KernRiverValley.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/6_047_KernRiverValley.pdf).

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

Executed this 2<sup>nd</sup> day of November, 2023, at Los Angeles, California.



\_\_\_\_\_  
Christopher M. Pisano

# Exhibit 1

## Harper Valley Groundwater Basin

- Groundwater Basin Number: 6-47
- County: Kern, San Bernardino
- Surface Area: 410,000 acres (640 square miles)

### Basin Boundaries and Hydrology

This groundwater basin underlies Harper Valley in western San Bernardino and eastern Kern Counties of the central Mojave Desert. This basin is bounded on the east by nonwater-bearing rocks of Fremont Peak, Black Mountain, the Gravel Hills, and the Mud Hills. The basin is bounded on the west by a combination of surface drainage divides, portions of the Harper, Kramer Hills and Lockhart faults, and nonwater-bearing rocks of the Kramer Hills and other low-lying basement hills. The basin is bounded on the south by nonwater-bearing rocks of Mount General, Iron Mountain, and the Waterman Hills, and by subsurface drainage patterns. The basin is bounded on the north by nonwater-bearing rocks of the Rand Mountains (DWR 1964; Jennings and others 1962; Rogers 1967)

Harper Valley is drained by numerous ephemeral streams towards Harper (dry) Lake (Jennings and others 1962; Rogers 1967). Floodwater from Grass Valley occasionally flows into Harper Valley via Black Canyon on the eastern side of the valley (DWR 1964). Average annual precipitation is about 5 inches and ranges from about 3 to 7 inches.

### Hydrogeologic Information

#### ***Water Bearing Formations***

Quaternary lacustrine and alluvial deposits, including unconsolidated younger alluvial fan material and unconsolidated to semi-consolidated older alluvium, can be water-bearing within the basin. The younger alluvium generally lies above the groundwater surface; whereas, the older alluvium extends beneath the groundwater table (DWR 1971). The alluvial deposits gradually thin and become interbedded with layers of silty clay of lacustrine origin toward the middle of the basin (Bader 1969; DWR 1964). The older alluvium is the most important water-bearing strata in the basin. Average yield of wells in the older alluvium is about 725 gpm with a maximum of 3,000 gpm (DWR 1975). Groundwater in the basin is generally unconfined, although confined conditions are found near Harper Lake (DWR 1971).

#### ***Restrictive Structures***

The Lockhart, Mount General, and Harper Lake faults are partial barriers to groundwater flow (Mendez and Christensen 1997). A possible groundwater barrier, indicated by a change in the slope of the groundwater surface near Iron Mountain, may be caused by concealed faults (Stamos and Predmore 1995).

#### ***Recharge Areas***

The natural recharge of the basin is mainly from infiltration of rainfall and percolation of surface runoff through alluvial fans around the edges of the

valley (Bader 1969; DWR 1964). Harper Valley also receives some groundwater underflow from the Middle Mojave River Valley and Cuddeback Valley Groundwater Basins (Bader 1969; DWR 1964; 1971). In general, groundwater flows toward Harper Lake, in the southern part of the valley (Bader 1969).

### ***Groundwater Level Trends***

A water-level hydrograph for a well the northwestern part of the basin indicates a rapid rise of 34 feet in 1957. In this same well, the water level was relatively stable during 1974 through 1999, rising about 1.6 feet. Hydrographs for wells in the western portion of the basin indicate steady groundwater levels during 1992 through 1998. The hydrograph for a well in the southern part of the basin indicates that the groundwater surface elevation declined about 12 feet during 1992 through 1998. The hydrograph for a well in the southeastern part of the basin shows a drop of 17 feet from 1967 to 1999; whereas, a nearby well remained steady during 1987 through 1993. During 1996 through 1999, the water level in this well fluctuated widely. Groundwater flows dominantly toward Harper Lake (Bader 1969; DWR 1971).

### ***Groundwater Storage***

**Groundwater Storage Capacity.** The total storage capacity of the groundwater basin is estimated to be 6,975,000 af (DWR 1975).

**Groundwater in Storage.** For 1990, the groundwater in storage was estimated to be 101,500 (Bookman Edmonston 1994).

### ***Groundwater Budget (Type A)***

For the 1997-98 water year, replenishment is estimated to have been 36,300 af from natural sources, 487 af from spreading of treated waste water, and 1,383 af from spreading of imported water (MWA 1999). For 1997-98, extractions are estimated to have been 11,400 af urban use, 13,600 af for agricultural use, and 1,800 af for industrial and recreational use (MWA 1999). Average subsurface flow is estimated to be 2,000 af/yr in and 3,000 af/yr out (DWR 1967).

### ***Groundwater Quality***

**Characterization.** Groundwater in the northern portion of the basin is sodium sulfate-bicarbonate character with relative high concentrations of sodium, fluoride, and boron. Water from the western part of the basin is mostly sodium chloride character, has TDS contents ranging from 1,350 to 1,650 mg/L, and high concentrations of fluoride, boron, and sulfate. Water samples from beneath the west side of Harper Lake have uneven mixtures of sodium, chloride, bicarbonate, and sulfate, with TDS content as high as 2,391 mg/L. Groundwater from the southern part of the basin is of calcium-sodium sulfate character with high sulfate, boron, and TDS concentrations (DWR 1964). Water from 3 public supply wells has an average TDS content of 452 mg/L and a range of 179 to 784 mg/L.

**Impairments.** Water quality of the basin is generally marginal to inferior for irrigation and domestic uses because of high concentrations of boron,

fluoride, and sodium. The average concentration of boron is 1.76 mg/L with a range of 0.26 to 3.38 mg/L. Fluoride concentration is generally less than 1.5 mg/L with a range of 0.5 to 3.0 mg/L (DWR 1964).

### Water Quality in Public Supply Wells

Constituent Group <sup>1</sup>	Number of wells sampled <sup>2</sup>	Number of wells with a concentration above an MCL <sup>3</sup>
Inorganics – Primary	2	0
Radiological	2	0
Nitrates	2	0
Pesticides	4	0
VOCs and SVOCs	4	0
Inorganics – Secondary	2	0

<sup>1</sup> A description of each member in the constituent groups and a generalized discussion of the relevance of these groups are included in *California's Groundwater – Bulletin 118* by DWR (2003).

<sup>2</sup> Represents distinct number of wells sampled as required under DHS Title 22 program from 1994 through 2000.

<sup>3</sup> Each well reported with a concentration above an MCL was confirmed with a second detection above an MCL. This information is intended as an indicator of the types of activities that cause contamination in a given basin. It represents the water quality at the sample location. It does not indicate the water quality delivered to the consumer. More detailed drinking water quality information can be obtained from the local water purveyor and its annual Consumer Confidence Report.

### Well Production characteristics

	Well yields (gal/min)	
Municipal/Irrigation	Maximum: 3,000	Average: 725 (DWR 1975)
	Total depths (ft)	
Domestic		
Municipal/Irrigation		

### Active Monitoring Data

Agency	Parameter	Number of wells /measurement frequency
USGS	Water levels	11/ annually
USGS	Miscellaneous water quality	3
Department of Health Services and Cooperators	Title 22 water quality	19

## Basin Management

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Groundwater management:	Part of this groundwater basin is contained within the area of the Mojave Basin adjudication and is managed by the Mojave Water Agency.
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Water agencies

Public	Mojave Water Agency
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Private	
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## References Cited

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## Additional References

- Buono, Anthony, and D.J. Lang. 1980. *Aquifer Recharge from the 1969 and 1978 Floods in the Mojave River Basin, California*. U. S. Geological Survey Open-File Report 80-207. 25 p.
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## Errata

Substantive changes made to the basin description will be noted here.



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**PROOF OF SERVICE**

I, Vanessa Guillen-Becerra, declare:

I am a citizen of the United States and employed in San Bernardino County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2855 E. Guasti Road, Suite 400, Ontario, California 91761. On November 6, 2023, I served a copy of the within document(s):

**DECLARATION OF CHRISTOPHER PISANO IN SUPPORT OF MOTION TO INTERPRET AND CLARIFY THE JUDGMENT**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Ontario, California addressed as set forth below.
- by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a \_\_\_\_\_ agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

*Please see attached Service List.*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on November 6, 2023, at Ontario, California.



Vanessa Guillen-Becerra

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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 December 7, 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:

### **DECLARATION OF CHRISTOPHER PISANO IN SUPPORT OF MOTION TO INTERPRET AND CLARIFY THE JUDGMENT**

  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 December 7, 2023 at Apple Valley, California.

  
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Beverly Hills, CA 90212-1671

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Attn: Jay Hooper (jayho123@gmail.com)  
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777 E. Rialto Avenue  
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Attn: Jennifer Cutler  
Center Water Company  
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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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Attn: William Handrinos  
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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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Hi-Grade Materials Company (via email)  
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Hilarides 1998 Revocable Family Trust  
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Newberry Springs, CA 92365

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

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Ho, Ting-Seng and Ah-Git  
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Attn: Barry Horton  
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Attn: Ester Hubbard  
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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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Attn: Magdalena Jones  
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81352 Fuchsia Ave.  
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Lucerne Valley, CA 92356

Attn: Lee Logsdon  
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Attn: Jimmy Berry  
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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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Attn: Ken Elliot (Billie@ElliotPlace.com)  
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Most Family Trust  
39 Sundance Circle  
Durango, CO 81303-8131

Attn: Dennis Hills  
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Attn: Nick Higgs  
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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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Attn: David Kelly Gray  
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Attn: Chan Kyun Son  
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Attn: Stephen H. Douglas  
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Attn: Rodger Thompson  
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Attn: Doug Heinrichs  
Thunderbird County Water District  
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Attn: Jim Hoover  
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## Mojave Basin Area Watermaster Service List as of December 07, 2023

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