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11 Attorneys for Defendant\Cross-Complainant,  
12 **MOJAVE WATER AGENCY**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **IN AND FOR THE COUNTY OF RIVERSIDE**

15 Coordination Proceeding Special Title  
16 (Cal. Rules of Court, rule 3.550)

JCCP NO.: 5265

17 **MOJAVE BASIN WATER CASES**

Dept. 1, Riverside Superior Court  
Hon. Harold Hopp, Judge Presiding

18 **CITY OF BARSTOW,**

19 Plaintiff,

20 vs.

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

22 Defendant.

**LEAD CASE NO.: CIV208568**  
Coordinated with San Bernardino Superior  
CASE NO.: CIVSB 2218461

**ROBERT C. WAGNER DECLARATION  
IN SUPPORT OF MOJAVE WATER  
AGENCY'S OPPOSITION TO MOTION  
OF SHADOW MOUNTAIN RANCH,  
LLC TO CLARIFY AND INTERPRET  
THE JUDGMENT**

23 **AND RELATED CROSS ACTIONS**

Date: February 7, 2024

Time: 8:30 a.m.

Dept.: 1

**RESERVATION NO.: 001680774956**

Assigned for All Purposes to Dept. 1,  
Hon. Harold Hopp, Judge Presiding

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1                                   **DECLARATION OF ROBERT C. WAGNER**

2           Robert C. Wagner declares and states:

3   1.     I am a California Registered Civil Engineer (License No. 52903) with  
4   Wagner & Bonsignore Consulting Engineers (WBE). I have personal knowledge  
5   of the facts set forth in this declaration and, if called as a witness, could  
6   competently testify to the matters set forth herein. I make this declaration in  
7   support of Mojave Water Agency’s Opposition to the motion of Shadow Mountain  
8   Ranch LLC (SMR) to clarify and interpret the scope of the Judgment in this  
9   action.

10  2.     A true and correct copy of my Professional Resume is attached to this  
11  declaration as Exhibit 1. I serve as the court-appointed Engineer for the Mojave  
12  Basin Area Watermaster. Among my tasks is to provide technical assistance to  
13  Watermaster staff, evaluate hydrologic conditions within the Adjudicated Area,  
14  prepare reports to the Watermaster for its annual determinations of Free  
15  Production Allowance and Production Safe Yield, evaluate water production by  
16  parties to the judgment, evaluate minimal producers’ water production as  
17  necessary, perform consumptive use evaluations, determine the status of producers  
18  subject to the Judgment, and other tasks to support the ongoing activities of the  
19  Mojave Basin Area Watermaster. A list of documents used in performance of  
20  these tasks is attached as Exhibit 2 to this declaration.

21  3.     Before being appointed as Watermaster Engineer, I also was retained in or  
22  about 2001 as a consultant regarding the matters at issue in this groundwater  
23  adjudication. As a result, I am aware of the matters that were considered and  
24  agreed upon prior to entry of Judgment on January 1, 1996. Reference is also  
25  made herein to Appendix A to the Judgment After Trial, January 10, 1996,  
26  Volume II (Exhibit 3 hereto), which is a true copy of the Judgment’s map of the

27           **ROBERT C. WAGNER DECLARATION IN SUPPORT OF MOJAVE WATER AGENCY’S OPPOSITION TO MOTION OF**  
28           **SHADOW MOUNTAIN RANCH, LLC TO CLARIFY AND INTERPRET THE JUDGMENT**

1 Mojave Basin Area's adjudicated boundaries. Attached as Exhibit 4 hereto is a  
2 true copy of the map of the adjudicated boundaries that is attached to the  
3 Watermaster's annual report; the adjudicated areas are the white areas within the  
4 broken black lines, and do not the shaded areas.

5 4. In support of the Mojave Water Agency's Opposition to SMR's motion, I  
6 provide the following comments regarding the limits of the groundwater  
7 adjudication, the boundary of the Mojave Basin Area, the location of SMR's  
8 property in relation thereto, and possible "connection" of SMR's groundwater  
9 pumping to the common supply of the Mojave Basin Area.

10 5. SMR's property is located in Township 11 N, Range 03W, Section 5, of the  
11 Public Land Survey, (or nearby), and northeast of Harper Lake within the Centro  
12 Subarea of the Mojave Basin Area (MBA). The Limits of Adjudication and the  
13 subarea boundaries of the MBA are shown on the Judgment's Appendix A  
14 referenced above (Exhibit 3 hereto) and the map attached to the Watermaster's  
15 annual report (Exhibit 4 hereto). SMR's property is located entirely within the  
16 Centro Subarea of the Mojave Basin Area. The location of SMR's property is  
17 shown on the Appendix A map, Exhibit 3 hereto.

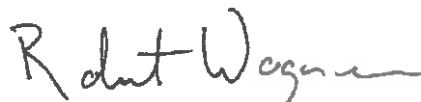
18 6. The limits of the Adjudicated Area are based on the Area of Investigation  
19 for California Department of Water Resources, Bulletin 84 (Mojave River Ground  
20 Water Basin Investigation, Exhibit 5 hereto) and are considered to be consistent  
21 with that boundary delineation shown on the Judgment's Appendix A (Exhibit 3  
22 hereto). With the exception of the Oeste Subarea, the Adjudicated Area is  
23 generally within both the Mojave Water Agency Service Area and the hydrologic  
24 drainage area shown on Appendix A. This boundary approximates the surface  
25 water drainage area of the Mojave Basin Area.

26 7. The Mojave Basin Area encompasses several groundwater basins within the

1 Adjudicated Area. Several other groundwater adjudications in California also  
2 encompass multiple basins: the San Bernardino Basin Area, the Chino Basin, and  
3 the Upper Los Angeles River Area (ULARA), for example; the ULARA  
4 encompasses the San Fernando Basin, the Sylmar Basin, the Verdugo Basin and  
5 the Eagle Rock Basin. Accordingly, the Mojave Basin Area adjudication is not  
6 the only groundwater adjudication in California that includes multiple  
7 groundwater basins.

8 8. The Mojave Basin Area Judgment adjudicated all of the water resources  
9 within the Basin Area, as the surface water, groundwater, return flow from  
10 production, recharge from precipitation and other sources were included in the  
11 common water supply of the Mojave Basin Area. No distinction was made as to  
12 whether or not water was directly “connected” to recharge from the Mojave River.  
13 Rather, the determination was made that pumping, or diversions within the  
14 Adjudicated Area affected the common water supply within the individual subarea  
15 from where water was produced.

16 I declare under penalty of perjury under the laws of the State of California  
17 that the foregoing is true and correct, and that this declaration was executed on  
18 January 23, 2024.

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20 

21 \_\_\_\_\_  
22 ROBERT C. WAGNER  
23  
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26

# **EXHIBIT 1**

# Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.  
Robert C. Wagner, P.E.  
Paula J. Whealen

Martin Berber, P.E.  
Patrick W. Ervin, P.E.  
David P. Lounsbury, P.E.  
Vincent Maples, P.E.  
Leah Orloff, Ph.D., P.E.  
David H. Peterson, C.E.G., C.H.G.  
Ryan E. Stolfus

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

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### **REGISTRATION:**

Civil Engineer, California (License No. 52903)

### **EDUCATION:**

B.S. Civil Engineering – California State University, Sacramento – 1988

### **EXPERIENCE:**

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

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

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

**RECENT EXPERIENCE INCLUDES THE FOLLOWING:**

- District Engineer for Reclamation District No. 38, Staten Island, San Joaquin County
- District Engineer for Reclamation District No. 341, Sherman Island, Sacramento County
- District Engineer for Reclamation District No. 348, New Hope Tract, San Joaquin County
- District Engineer for Reclamation District No. 800, Cosumnes River, Sacramento County
- Provide engineering consulting services on behalf of Antelope Valley East Kern Water Agency in connection with quantification of return flow from water used for irrigation and other uses.
- Provide engineering consulting services on behalf of Los Angeles World Airports in connection with quantifying water use from various sources for irrigation.
- Provide engineering consulting services on behalf of San Joaquin County in connection with water right applications and water resources management within San Joaquin County.
- Provide engineering services for Chino Basin Water Conservation District, San Bernardino County in connection with storm water recharge in Chino Basin.
- Watermaster Engineer for Orange County Water District; perform analysis of hydrologic and water quality data for the Santa Ana River Watershed for Water Year 2009-10; distinguish storm flow and base flow at Prado Dam and at Riverside Narrows, preparation of portions of the Watermaster's annual report to the Court.
- Provide engineering services for Lake Alpine Water Company / Alpine County in connection with the State Water Resources Control Board water right hearing and hydrology of South Fork Stanislaus River for State Filed Application 5648.
- Provide Engineering services for Natomas Mutual Water Company, in connection with the water rights. Evaluation of water rights for 51,000 acres of agricultural operation, water right analysis and water transfers.
- Provide engineering services on behalf of City of Sacramento in connection with the Water Resources of the American River.

- Provide engineering services on behalf of City of Ukiah in connection with water rights and hydrology of the Russian River, Mendocino County.
- Provide engineering services on behalf of Sonoma County Water Agency in connection with development of agricultural reuse project for use of treated wastewater for vineyard irrigation.
- Provide engineering services in connection with analysis of water production and hydrologic data for development of water use agreements for over 100 growers in the Dry Creek Valley in Sonoma County.
- Provide engineering services for City of Santa Maria in connection with the hydrologic resources of the Santa Maria Groundwater Basin.
- Engineering expert in the matter of Bonadiman v. Evans in San Bernardino Superior Court on behalf of prevailing party Evans. Research and documentation of water development and water right acquisition dating to 1883.
- Provide engineering services for The Wildlands Conservancy in connection with water resource matters for extensive land holdings in San Bernardino and Kern Counties.
- Provide engineering services for Wells Fargo Bank in connection with the analysis of water rights and water availability on the Kern River.
- Watermaster Engineer for the Mojave Basin Area Watermaster in the matter of the Mojave River Adjudication, City of Barstow, et al, vs. City of Adelanto, et al. Collection and analysis of data for preparation of Annual Watermaster Report, including groundwater production and hydrology studies of the Mojave River System and groundwater basin in connection with storm flow base flow separation determination and the analysis of water transfers and land use changes. Preparation of Annual Watermaster report.
- Provide engineering services on behalf of the Mojave Water Agency in connection with Mojave Basin Area Adjudication. Coordinate activities for professional and sub-professional staff for collection, analysis and verification of water production records for approximately 7,000 wells in the Mojave River Basin. Participate in meetings of the Joint Engineer-Attorney Drafting Committee formed to negotiate and draft the Stipulated Judgment. Participation in the drafting and ongoing revisions of the Watermaster Rules and Regulations.
- Provide engineering services in connection with for the Warren Valley Basin Watermaster, San Bernardino County. Analysis of groundwater production records and basin hydrology for preparation of Annual Watermaster Report.



- Provide engineering services in connection with work for East Valley Water District, San Bernardino County, regarding the analysis of surface and subsurface hydrology of the Santa Ana River and the availability of water for the Seven Oaks Dam Project and fully appropriated listing of the Santa Ana River.
- Provide engineering services on behalf of Kirkwood Associates before the State Water Resources Control Board in the matter of South Fork American River Hearings, October 1995. Analysis of the South Fork American River and Caples Creek hydrology in connection with same.
- Provide engineering services in connection with work for High Desert Water District, San Bernardino County, regarding the analysis of water quality and ground water elevation data for monitoring the potential impacts of ground water extractions from the Ames Valley Basin.
- Provide engineering services in connection with work for Hidden Valley Lake Community Services District, Lake County, regarding the hydrologic analysis of Upper Putah Creek Watershed and the Coyote Valley groundwater basin in support of amendments to fully appropriated stream status and applications to appropriate surface and subsurface water from Putah Creek; continued monitoring of the Coyote Valley groundwater basin in connection with administration of water rights.

**CONTINUING EDUCATION:**

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

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

“Understanding Wetlands and 404 Permitting”, ASCE July 1997

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

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

## **EXHIBIT 2**

## Bibliography

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## Bibliography—Exhibit 2

Page 2

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- Regional Water Table (2014) in the Mojave River and Morongo Groundwater Basins, Southwestern Mojave Desert, California, United States Geological Survey, Web page, <http://ca.water.usgs.gov/mojave/mojave-2014-water-levels.html>
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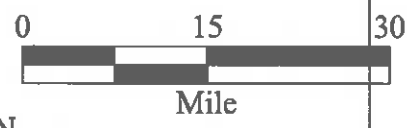
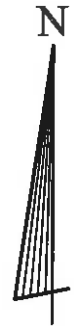
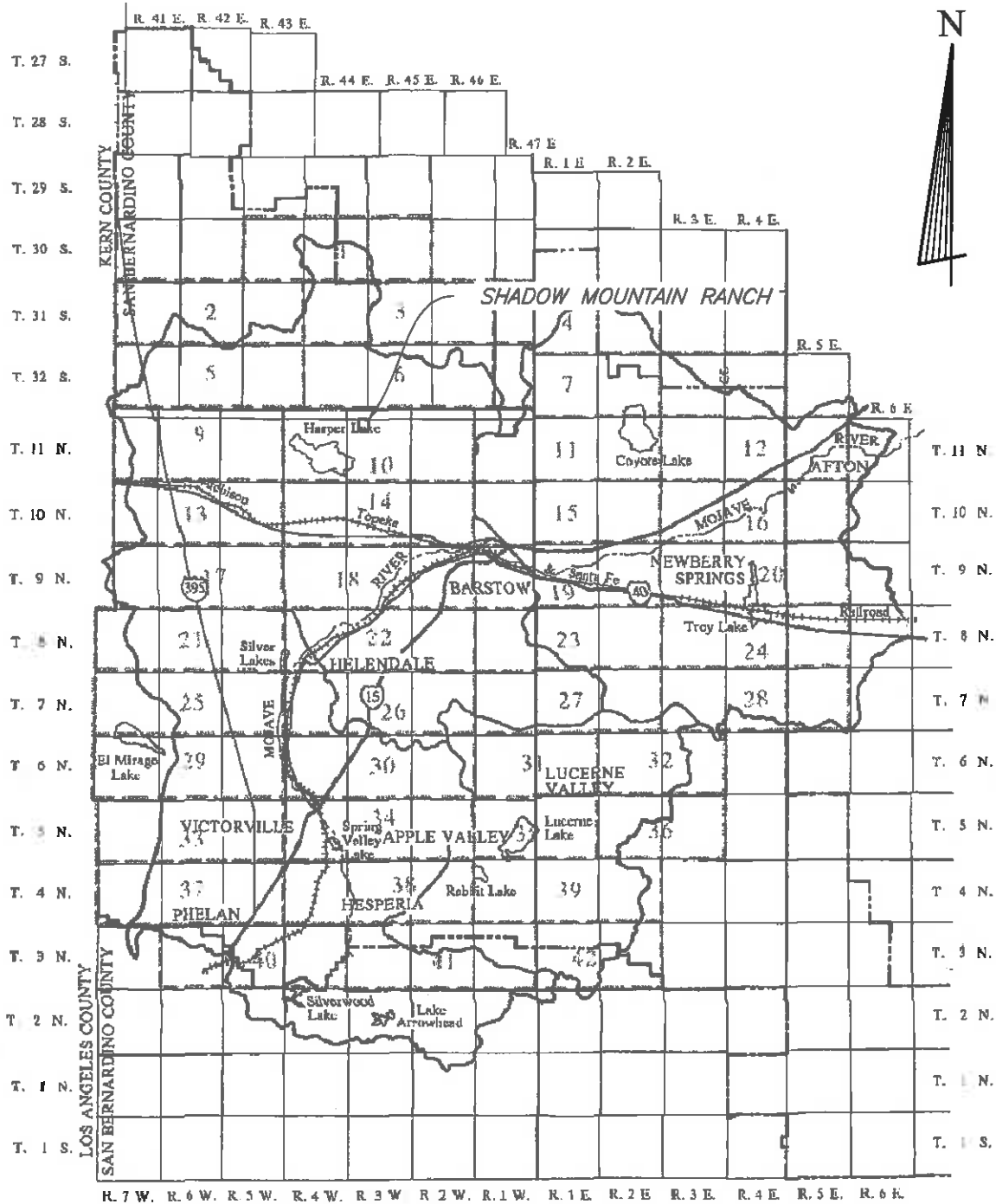
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Page 3

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  - West Fork Mojave River Near Hesperia, CA
  - Mojave River At Lower Narrows Near Victorville, CA
  - Mojave River At Barstow, CA
  - Mojave River At Afton, CA
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  - Lake Arrowhead, 1940-41 Through 2020-21
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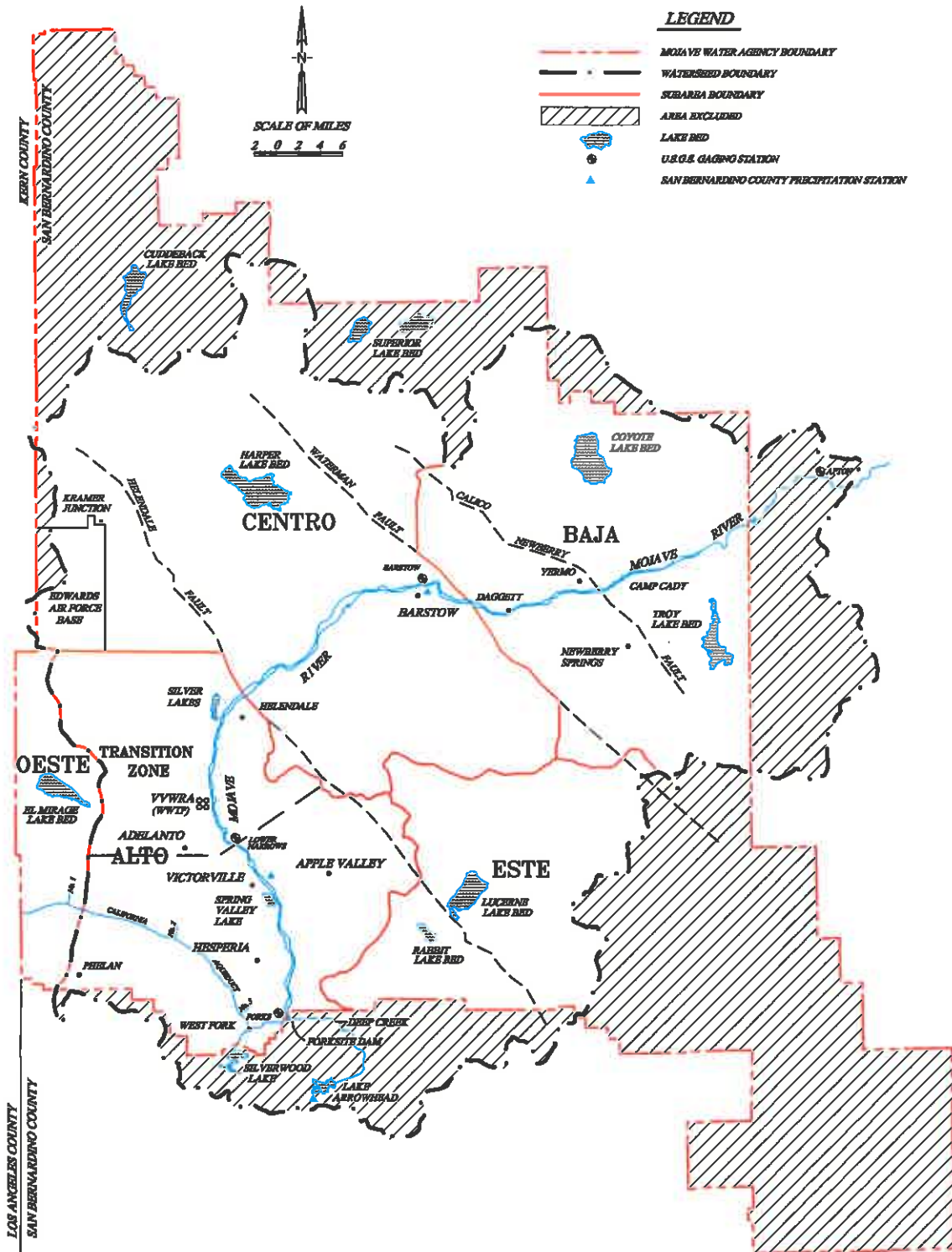
# **EXHIBIT 3**



**APPENDIX A**  
**MOJAVE BASIN AREA ADJUDICATION**  
**INDEX OF MAPS SHOWING**  
**MOJAVE WATER AGENCY, MOJAVE RIVER,**  
**MOJAVE BASIN AREA & HYDROLOGIC SUB-AREAS**  
**and**  
**LIMITS OF ADJUDICATED AREA**  
**together with**  
**GEOLOGIC AND OTHER PERTINENT FEATURES**



# **EXHIBIT 4**



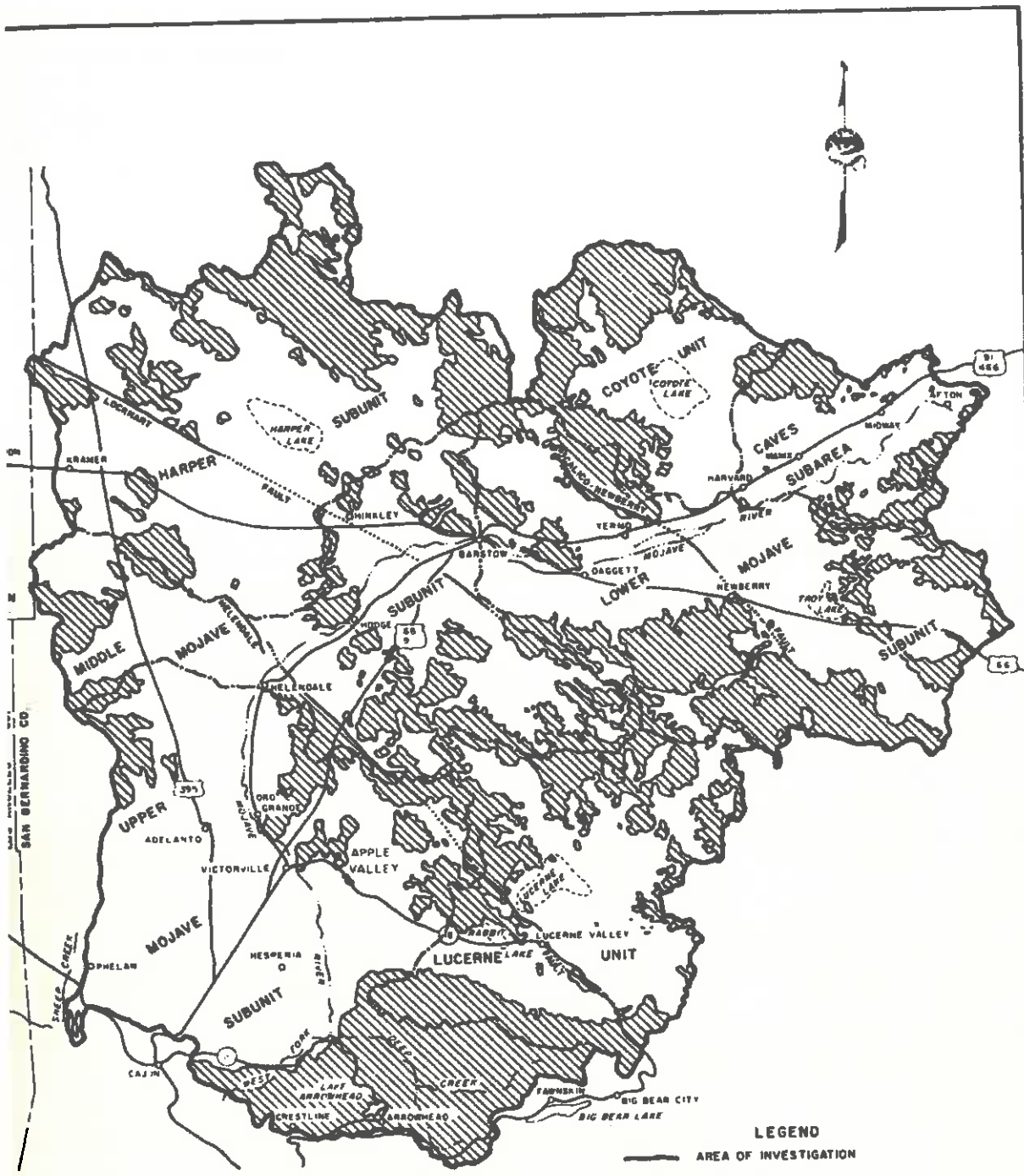
**LEGEND**

- MOJAVE WATER AGENCY BOUNDARY
- WATERSHED BOUNDARY
- SUBAREA BOUNDARY
- AREA EXCLUDED
- LAKE BED
- U.S.G.S. GAGING STATION
- SAN BERNARDINO COUNTY PRECIPITATION STATION

SCALE OF MILES  
0 2 4 6

**MOJAVE BASIN AREA**

# **EXHIBIT 5**



Mojave River Ground Water Basin Investigation  
DWR BULLETIN 84

Figure 2 — AREA OF INVESTIGATION

## 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 25, 2024, 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:

**ROBERT C. WAGNER DECLARATION IN SUPPORT OF MOJAVE WATER AGENCY'S  
OPPOSITION TO MOTION OF SHADOW MOUNTAIN RANCH, LLC TO CLARIFY AND  
INTERPRET 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 January 25, 2024 at Apple Valley, California.

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

## Mojave Basin Area Watermaster Service List as of January 25, 2024

Attn: Roberto Munoz  
35250 Yermo, LLC  
11273 Palms Blvd., Ste. D.  
Los Angeles, CA 90066-2122

Attn: John McCallum  
Abshire, David V.  
P. O. Box # 2059  
Lucerne Valley, CA 92356-2059

Attn: Daniel Best  
Adelanto, City Of  
11600 Air Expressway  
Adelanto, CA 92301-1914

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

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

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

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

Attn: Simon Ahn (ssahn58@gmail.com)  
Ahn Revocable Trust (via email)  
29775 Hunter Road  
Murrieta, CA 92563-6710

Attn: Chun Soo Ahn  
(davidahnmd@gmail.com,  
chunsooahn@naver.com;  
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America United Development, LLC (via email)  
19625 Shelyn Drive  
Rowland Heights, CA 91748-3246

Attn: Ana Chavez  
American States Water Company  
160 Via Verde, Ste. 100  
San Dimas, CA 91773-5121

Anderson, Ross C. and Betty J.  
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Attn: Daniel B. Smith (avfwd@gmail.com)  
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(via email)  
22545 Del Oro Road  
Apple Valley, CA 92308-8206

Attn: Matthew Patterson  
Apple Valley Heights County Water District  
P. O. Box 938  
Apple Valley, CA 92308-0938

Attn: Mathew Schulenberg  
Apple Valley Unified School District  
12555 Navajo Road  
Apple Valley, CA 92308-7256

Attn: Emely and Joe Saltmeris  
Apple Valley View Mutual Water Company  
P. O. Box 3680  
Apple Valley, CA 92307-0072

Attn: Tina Kuhns  
Apple Valley, Town Of  
14955 Dale Evans Parkway  
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Compton, CA 90220-3946

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Bar H Mutual Water Company (via email)  
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Attn: Curtis Palmer  
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Aztec, NM 87410-9322

Attn: Jennifer Riley (hriley@barstowca.org)  
Barstow, City of (via email)  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Apple Valley, CA 92308-9151

Attn: Mike Beinschroth  
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Beinschroth Family Trust (via email)  
18794 Sentenac  
Apple Valley, CA 92307-5342

Beinschroth, Andy Eric  
6719 Deep Creek Road  
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Attn: Chuck Bell (Chuckb193@outlook.com;  
Chuckb193@outlook.com)  
Bell, Charles H. Trust dated March 7, 2014  
(via email)  
P. O. Box 193  
Lucerne Valley, CA 92356-0193

Best, Byron L.  
21461 Camino Trebol  
Lake Forest, CA 92630-2011

Attn: Deborah Stephenson  
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BNSF Railway Company (via email)  
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Bozeman, MT 59718-6483

Attn: Debrah Stephenson  
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Blaine.Bilderback@bnsf.com)  
BNSF Railway Company (via email)  
602 S. Ferguson Avenue, Suite 2  
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Riverside, CA 92508-

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

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

Attn: Valeria Brown  
Brown Family Trust Dated August 11, 1999  
26776 Vista Road  
Helendale, CA 92342-9789

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445 Via Colusa  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Club View Partners  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Denise Courtney  
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Lucerne Valley, CA 92356-0396

Attn: Debby Wyatt  
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Dolch Living Trust Robert and Judith  
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Attn: David Dorrance  
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Gabrych, Eugene  
2006 Old Highway 395  
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9366 Joshua Avenue  
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Attn: Jay Storer  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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358 Chorus  
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Attn: William Handrinos  
Handrinos, Nicole A.  
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Helendale School District  
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Helendale, CA 92342-0249

Attn: Jeff Gallistel  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Jeremy McDonald  
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Attn: Katherine Hill (Khill9@comcast.net)  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Johnston, Harriet and Johnston, Lawrence W.  
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Attn: Magdalena Jones  
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Jones Trust dated March 16, 2002 (via email)  
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Attn: Ray Gagné  
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Attn: Lee Logsdon  
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Attn: Martin A and Mercedes Katcher  
Katcher, August M. and Marceline  
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Attn: Catherine Cerri  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Nick Higgs  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Susan Sommers  
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San Bernardino Co Barstow - Daggett Airport  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Rodger Thompson  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Vernola Trust, Pat and Mary Ann  
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