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*Exempt from filing fee pursuant to  
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8 MOJAVE WATER AGENCY

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

12 Coordination Proceeding Special Title  
13 (Cal. Rules of Court, rule 3.550)

14 **MOJAVE BASIN WATER CASES**

15 **CITY OF BARSTOW,**

16 Plaintiff,

17 vs.

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

19 Defendant.

20 **AND RELATED CROSS ACTIONS**

JCCP NO.: 5265

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

**LEAD CASE NO.: CIV208568**

Coordinated with San Bernardino Superior  
CASE NO.: CIVSB 2218461

**OBJECTIONS TO DECLARATION OF  
TIMOTHY WALSH**

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

21  
22  
23 The Mojave Water Agency submits the following objections to Timothy Walsh's  
24 declaration filed in support of the motion of Shadow Mountain Ranch LLC to clarify and  
25 interpret the Judgment.

26 Specifically, MWA objects to the following statements in Mr. Walsh's declaration on  
27 the following grounds: "no foundation " and lack of personal knowledge (Evid. Code section  
28

**OBJECTIONS TO DECLARATION OF TIMOTHY WALSH**

1 702); and hearsay (Evid. Code section 1200):

2 5. It is my understanding that groundwater pumping on the SMR Property does  
3 not impact the groundwater levels in the areas of the Mojave Basin that was  
4 adjudicated in the Judgment. For example, while Mr. Jahnke and Ace pumped  
5 groundwater for alfalfa farming both before and after the Judgment was  
6 entered, I am not aware of any claim [of] interference that any pumper in the  
7 Mojave basin had against Mr. Jahnke and Ace.

8 (Emphasis added.)

9 Nowhere in his declaration does Mr. Walsh demonstrate that he has personal  
10 knowledge as to whether groundwater pumping on SMR's property impacts groundwater  
11 levels in the vicinity of SMR's property. Instead, he merely states that is his "understanding"  
12 – without providing any explanation as to how he arrived at that "understanding."  
13 Additionally, the fact that Mr. Welsh is "not aware" of any pumper's claim of interference  
14 based upon pumping performed by SMR's predecessor-in-interest in the 1950s – decades  
15 before Mr. Walsh became involved with the SMR property – signifies nothing, and is not  
16 admissible to prove SMR's groundwater pumping did not interfere with other property  
17 owners's ability to produce groundwater in that area.

18 7. . . . several technical reports suggest that a safe yield for pumping the shallow  
19 aquifer under the SMR Property could be anywhere from 5,000 AFY to 24,000  
20 AFY.

21 (Emphasis added.)

22 This quoted statement in Mr. Walsh's declaration is inadmissible hearsay (Evid. Code  
23 section 1200).

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1           Therefore, the Mojave Water Agency respectfully submits the Court should sustain  
2 the Agency's objections to each of the foregoing statements contained in the declaration of  
3 Timothy Walsh, and not give any consideration or weight to those statements.

4 Dated: January 25, 2024

**BRUNICK, McELHANEY & KENNEDY PLC**

5  
6 By.   
7 William J. Brunick  
8 Leland P. McElhaneey  
9 Attorneys for Defendant/Cross-complainant,  
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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 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:

### **OBJECTIONS TO DECLARATION OF TIMOTHY WALSH**

  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

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(jmcdonald@cityofhesperia.us)  
Hesperia - Golf Course, City of (via email)  
9700 Seventh Avenue  
Hesperia, CA 92345-3493

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

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

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

Attn: Carabeth Carter ()  
Hettinga Revocable Trust (via email)  
P. O. Box 455  
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Attn: Lisset Sardeson  
Hi Desert Mutual Water Company  
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Barstow, CA 92311

(lechiett@hotmail.com)  
Hiett, Harry L. (via email)  
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Daggett, CA 92327-0272

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

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

Attn: Frank Hilarides  
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37404 Harvard Road  
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-

Attn: Anne Roark  
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Lucerne Valley, CA 92356-0965

Ho, Ting-Seng and Ah-Git  
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Bakersfield, CA 93390-0001

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22832 Buendia  
Mission Viejo, CA 92691-

Attn: Jeffrey R Holway and Patricia Gage  
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Holway Jeffrey R and Patricia Gage (via email)  
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Attn: Katherine K. Hsu  
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Attn: Paul Hong  
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Covina, CA 91722-0432

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

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Horton Family Trust  
47716 Fairview Road  
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(dell2342008@gmail.com)  
Hu, Minsheng (via email)  
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Attn: Ester Hubbard  
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47722 Kiloran St.  
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25684 Community Blvd  
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39392 Burnside Loop  
Astoria, OR 97103-8248

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Hunt, Ralph M. and Lillian F.  
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Hyatt, James and Brenda (via email)  
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3224 West 111th Street  
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Attn: James Jackson Jr.  
Jackson, James N. Jr Revocable Living Trust  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Victorville, CA 92395-2800

Attn: Gary A. Ledford  
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Jess Ranch Water Company (via email)  
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Florissant, CO 80816-

Johnson, Carlean  
8626 Deep Creek Road  
Apple Valley, CA 92308

Attn: Paul Johnson  
(johnsonfarming@gmail.com)  
Johnson, Paul - Industrial (via email)  
10456 Deep Creek Road  
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Johnson, Ronald  
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Dammeron Valley, UT 84783-5211

Attn: Lawrence W. Johnston  
Johnston, Harriet and Johnston, Lawrence W.  
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Hesperia, CA 92340-1472

Attn: Magdalena Jones  
(mygoldenbiz9@gmail.com)  
Jones Trust dated March 16, 2002 (via email)  
35424 Old Woman Springs Road  
Lucerne Valley, CA 92356-7237

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

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

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

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

Attn: Ash Karimi  
Karimi, Hooshang  
1254 Holmby Ave  
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Attn: Robert R. Kasner  
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Chino, CA 91710-

(Robertkasner@aol.com)  
Kasner, Robert (via email)  
11584 East End Avenue  
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Attn: Martin A and Mercedes Katcher  
Katcher, August M. and Marceline  
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Kemp, Robert and Rose  
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Newberry Springs, CA 92365

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Koering, Richard and Koering, Donna  
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Attn: Catherine Cerri  
(ccerri@lakearrowheadcsd.com)  
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(via email)  
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Lake Jodie Property Owners Association (via  
email)  
8581 Santa Monica Blvd., #18  
West Hollywood, CA 90069-4120

Attn: Nancy Lan  
Lake Waikiki  
230 Hillcrest Drive  
La Puente, CA 91744-4816

Attn: c/o J.C. UPMC, Inc. Lori Rodgers  
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timrohmbuilding@gmail.com)  
Lake Wainani Owners Association (via email)  
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Attn: Vanessa Laosy  
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18203 Yucca St.  
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Attn: Robert Lawrence Jr.  
Lawrence, William W.  
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Newberry Springs, CA 92365

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Lem, Hoy (via email)  
17241 Bullock St.  
Encino, CA 91316-1473

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Eloy, AZ 85131-3410

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

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

Attn: Eric Larsen  
(eric.larsen@libertyutilities.com;  
tony.pena@libertyutilities.com)  
Liberty Utilities (Apple Valley Ranchos  
Water) Corp. (via email)  
P. O. Box 7005  
Apple Valley, CA 92307

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Lin, Kuan Jung and Chung, Der-Bing  
2026 Turnball Canyon  
Hacienda Heights, CA 91745-

Attn: Manshan Gan  
Lo, et al.  
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San Gabriel, CA 91776-1724

Attn: Neal Davies (ndavies@terra-gen.com;  
dkelly@terra-gen.com)  
Lockhart Land Holding, LLC (via email)  
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Attn: Patricia Miranda  
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Low, Dean (via email)  
3 Panther Creek Ct.  
Henderson, NV 89052-

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18838 Aldridge Place  
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Attn: Gwen L. Bedics  
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Lucerne Valley, CA 92356

Attn: Manoucher Sarbaz  
Lucerne Valley Partners  
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Attn: Maria Martinez  
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6831 Lime Avenue  
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Attn: Robert Saidi  
Mahjoubi, Afsar S.  
46622 Fairview Road  
Newberry Springs, CA 92365

Attn: Jimmy Berry  
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19332 Balan Road  
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Attn: James M. Hansen, Jr. (gm@mrcwd.org;  
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San Juan Capistrano, CA 92675

Attn: Rod Sexton  
McCollum, Charles L.  
15074 Spruce St  
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McKinney, Paula  
144 East 72nd  
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Attn: Olivia L. Mead  
Mead Family Trust  
31314 Clay River Road  
Barstow, CA 92311-2057

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

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

Attn: Freddy Garmo (freddy@garmolaw.com)  
Minn15 LLC (via email)  
5464 Grossmont Center Drive, #300  
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Attn: David Riddle  
(driddle@mitsubishicement.com)  
Mitsubishi Cement Corporation (via email)  
5808 State Highway 18  
Lucerne Valley, CA 92356-8179

Attn: Philip Mizrahie  
Mizrahie, et al.  
4105 W. Jefferson Blvd.  
Los Angeles, CA 90048-

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

Attn: Sarah Bliss  
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Joshua Tree, CA 92252-4130

Attn: Mahnaz Ghamati  
(mahnaz.ghamati@atlantica.com)  
Mojave Solar, LLC (via email)  
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Hinkley, CA 92347-9305

Attn: Doug Kerns  
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Mojave Water Agency (via email)  
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Apple Valley, CA 92307-4377

Attn: Manoucher Sarbaz  
Monaco Investment Company  
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Beverly Hills, CA 90212-1671

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

Moss, Lawrence W. and Helen J.  
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Lucerne Valley, CA 92356-8116

Attn: Bradford Ray Most  
Most Family Trust  
39 Sundance Circle  
Durango, CO 81303-8131

Attn: Dennis Hills  
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Murphy, Jean  
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(z.music5909@gmail.com;  
zajomusic@gmail.com)  
Music, Zajo (via email)  
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21724 Hercules St.  
Apple Valley, CA 92308-8490

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New Springs Limited Partnership (via email)  
4192 Biscayne St.  
Chino, CA 91710-3196

Attn: Jodi Howard  
Newberry Community Services District  
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Newberry Springs, CA 92365-0206

Attn: Jeff Gaastra (jeffgaastra@gmail.com)  
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Association (via email)  
32935 Dune Road, Space 10  
Newberry Springs, CA 92365-

Attn: Mary Ann Norris  
Norris Trust, Mary Ann  
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Lucerne Valley, CA 92356-8261

Attn: Kenton Eatherton  
(keatherton@verizon.net)  
NSSLC, Inc. (via email)  
9876 Moon River Circle  
Fountain Valley, CA 92708-7312

Núñez, Luis Segundo  
9154 Golden Seal Court  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Dorothy Ohai  
Ohai, Reynolds and Dorothy  
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Attn: Craig Maetzold  
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Attn: John P. Oostdam  
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Hemet, CA 92545-2246

Attn: Nick Higgs  
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Attn: Taghi Shoraka  
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Perko, Bert K.  
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District (via email)  
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Phelan, CA 92371-8819

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Porter, Timothy M.  
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Attn: Carin McKay  
Precision Investments Services, LLC  
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Price, Donald and Ruth  
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(LucerneJujubeFarm@hotmail.com)  
Rhee, Andrew N. (via email)  
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Attn: Kelly Rice  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Attn: Kanoe Barker (kanoebarker@yahoo.com)  
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Detention Center (via email)  
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Attn: David Kelly Gray  
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Attn: Joseph Tapia  
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Short, Jerome E.  
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Rivero, Fidel V.  
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Corona, CA 92879-0825

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

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

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

San Bernardino Co Barstow - Daggett Airport  
268 W. Hospitality Lane, Suite 302  
San Bernardino, CA 92415-0831

Attn: Jared Beyeler  
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waterquality@sdd.sbcounty.gov)  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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