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EXEMPT FROM FILING FEES  
PER GOV. CODE, § 6103

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF RIVERSIDE

13  
14 Coordination Proceeding Special Title  
(Cal. Rules of Court, Rule 3.550)

**JCCP NO. 5265**  
**CIV 208568** (Lead Case No.)

15 **MOJAVE BASIN WATER CASES**

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

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17  
18 CITY OF BARSTOW,

Plaintiff,

**CALIFORNIA DEPARTMENT OF  
FISH AND WILDLIFE'S JOINDER IN  
THE MOJAVE BASIN  
WATERMASTER'S OPPOSITION  
TO SHADOW MOUNTAIN RANCH,  
LLC'S MOTION TO INTERPRET  
AND CLARIFY THE JUDGMENT**

19  
20 v.

21 CITY OF ADELANTO, ET AL,

Defendants.

Date: February 7, 2024  
Time: 8:30 a.m.  
Dept.: 1  
Judge: Honorable Harold Hopp

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25 Assigned for All Purposes to Dept. 1,  
Honorable Harold Hopp, Judge Presiding by  
Assignment

26  
27 **Reservation No. 001680774956**

1           The California Department of Fish and Wildlife (Department) hereby joins in the Mojave  
2 Basin Watermaster’s (Watermaster) Opposition to Shadow Mountain Ranch, LLC’s (Shadow  
3 Mountain) motion to interpret and clarify the scope of the judgment (Opposition).

4           Shadow Mountain’s current motion to interpret and clarify the scope of the judgment, as  
5 stated in its title, seeks to interpret the judgment in the *City of Barstow v. City of Adelanto* case  
6 currently before this court (Judgment). However, the Opposition correctly argues, and Shadow  
7 Mountain agrees, that Shadow Mountain is not a party to that Judgment and the Judgment, as  
8 currently constituted, does not apply to Shadow Mountain. (Opposition p. 3; Shadow Mountain  
9 Motion p. 2.) In fact, the California Supreme Court has made clear that the existing Judgment  
10 does not apply to any party that has not stipulated to its terms, including Shadow Mountain. (*City*  
11 *of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1253-1254.) The existing Judgment  
12 is a stipulated judgment and simply does not apply to Shadow Mountain and no party is seeking  
13 to enforce it against Shadow Mountain. The Watermaster is seeking a new judgment against  
14 Shadow Mountain in the San Bernardino Action. It is not seeking to enforce the existing  
15 Judgment.

16           Crucially, Shadow Mountain simply misinterprets what the Watermaster is trying to do  
17 and has done in its coordinated case titled *The Mojave Water Agency, As The Mojave Basin Area*  
18 *Watermaster v. All Persons* etc., case no. CIVSB 2218461 (San Bernardino Action). The San  
19 Bernardino Action, now coordinated with the original matter, including the existing Judgment,  
20 seeks a determination of defendants’ water rights, including Shadow Mountain, if any, in the  
21 Mojave basin and a determination of the amount of water, if any, defendants may produce from  
22 the Mojave basin. Shadow Mountain has not yet answered or otherwise responded to the  
23 Watermaster’s complaint, no discovery has been taken to date, no trial date has been set and no  
24 dispositive motions have been heard in the action. Watermaster seeks a judgment against Shadow  
25 Mountain; there is no such judgment and the ultimate judgment in the San Bernardino Action  
26 may or may not conform, or include, the terms of the existing Judgment. Therefore, Shadow  
27 Mountain’s motion is premature, irrelevant and improper.

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For the above stated reasons, the Department joins in Watermaster’s Opposition and requests that the Court deny Shadow Mountain’s.

Dated: January 25, 2024

Respectfully submitted,  
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ERIC M. KATZ  
Supervising Deputy Attorney General



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66391048.docx

**DECLARATION OF SERVICE BY E-MAIL AND OVERNIGHT COURIER**

Case Name: **City of Barstow v. City of Adelanto**

Case No.: **CIV208568**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **Federal Express** courier service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On January 25, 2024, I served the **CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S JOINDER IN THE MOJAVE BASIN WATERMASTER'S OPPOSITION TO SHADOW MOUNTAIN RANCH, LLC'S MOTION TO INTERPRET AND CLARIFY THE JUDGMENT** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

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*Attorneys for Specially-Appearing  
Petitioner Shadow Mountain Ranch, LLC*

I declare under penalty of perjury under the laws of the State of California and the United States of America, the foregoing is true and correct and that this declaration was executed on January 25, 2024, at Los Angeles, California.

Beatriz Davalos

Declarant



Signature

## 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:

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S JOINDER IN THE MOJAVE BASIN WATERMASTER'S OPPOSITION TO SHADOW MOUNTAIN RANCH, LLC'S 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 January 25, 2024 at Apple Valley, California.

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

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

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Attn: Nick Grill (terawatt@juno.com)  
Grill, Nicholas P. and Millie D. (via email)  
35350 Mountain View Road  
Hinkley, CA 92347-9613

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P. O. Box 3100  
Landers, CA 92285

Attn: Tamara J Skoglund  
(TamaraMcKenzie@aol.com)  
Gulbranson, Merlin (via email)  
511 Minnesota Ave W  
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24116 Santa Fe  
Hinkley, CA 92347

Attn: Bryan C. Haas and Mary H. Hinkle  
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(hackbarthoffice@gmail.com)  
Hackbarth, Edward E. (via email)  
12221 Poplar Street, Unit #3  
Hesperia, CA, CA 92344-9287

Attn: Doug and Cheryl Hamilton  
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19945 Round Up Way  
Apple Valley, CA 92308-8338

Attn: William Handrinos  
Handrinos, Nicole A.  
1140 Parkdale Rd.  
Adelanto, CA 92301-9308

Hang, Phu Quang  
645 S. Shasta Street  
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Hanify, Michael D., dba - White Bear Ranch  
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Attn: Matt Wood  
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Corona, CA 92878-1115

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Helendale, CA 92342-0359

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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: Janie Martines  
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10 Western Road  
Wheatland, WY 82201-8936

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Hesperia Water District (via email)  
9700 7th Avenue  
Hesperia, CA 92345-3493

Attn: Jeremy McDonald  
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Hesperia, City of (via email)  
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Hesperia, CA 92345-3493

Attn: Carabeth Carter ()  
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Attn: Lori Clifton (lclifton@robar.com)  
Hi-Grade Materials Company (via email)  
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Attn: Katherine Hill (Khill9@comcast.net)  
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Lucerne Valley, CA 92356-0965

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

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Attn: Magdalena Jones  
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Jones Trust dated March 16, 2002 (via email)  
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81352 Fuchsia Ave.  
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Attn: Paul Jordan  
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Attn: Ray Gagné  
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Lucerne Valley, CA 92356

Attn: Lee Logsdon  
Juniper Riviera County Water District  
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Koering, Richard and Koering, Donna  
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(via email)  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Liang, Yuan - I and Tzu - Mei Chen  
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Attn: Manoucher Sarbaz  
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Newberry Springs, CA 92365

Attn: Jimmy Berry  
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## Mojave Basin Area Watermaster Service List as of January 25, 2024

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Association (via email)  
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NSSL, Inc. (via email)  
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Fountain Valley, CA 92708-7312

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

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Attn: Dorothy Ohai  
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Attn: Craig Maetzold  
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Attn: John P. Oostdam  
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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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