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16 OF VICTORVILLE (formerly VICTOR VALLEY WATER DISTRICT and BALDY MESA
17 WATER DISTRICT)

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **FOR THE COUNTY OF RIVERSIDE**

20 Coordination Proceeding Special Title
21 (Cal. Rules of Court, rule 3.550)

JCCP No. 5265
Lead Case No. CIV208568

22 MOJAVE BASIN WATER CASES

**CITY OF VICTORVILLE /
VICTORVILLE WATER DISTRICT'S
JOINDER IN THE MOJAVE WATER
AGENCY'S OPPOSITION TO
SHADOW MOUNTAIN RANCH'S
MOTION FOR AN ORDER
INTERPRETING AND CLARIFYING
THE JUDGMENT**

23 CITY OF BARSTOW,

24 Plaintiff,

25 v.

26 CITY OF ADELANTO, et al.,

27 Defendants.

Assigned for All Purposes to Honorable
Harold Hopp, Department 1

28 **AND RELATED CROSS ACTIONS**

**February 7, 2024
8:30 a.m.
Department 1**

Reservation No. 001680774956

1
2 Victorville Water District¹ (VWD) hereby joins Mojave Water Agency’s January 25, 2024
3 Opposition to Shadow Mountain Ranch’s Motion for an Order Interpreting and Clarifying the
4 Scope of the Judgment (MWA Opposition).

5 The 1996 Judgment in *City of Barstow v. City of Adelanto*, Riverside Superior Court Case
6 No. CIV208568, is a water right adjudication and physical solution governing the production of
7 groundwater from the Mojave Basin Area among stipulating parties. The Judgment provides that
8 any person who produces more than ten (10) acre-feet of groundwater annually within the Mojave
9 Basin Area should be subject to the Judgment, however, the California Supreme Court held that
10 the Judgment does not apply to any party that has not stipulated to its terms. (*City of Barstow v.*
11 *Mojave Water Agency* (2000) 23 Cal.4th 1224, 1253-1254.). Both MWA and Shadow Mountain
12 Ranch agree that Shadow Mountain is not a party to Judgment because it has not stipulated to its
13 terms. (MWA Opposition, p. 3; Shadow Mountain Ranch, LLC Notice of Motion and Motion for
14 an Order Interpreting and Clarifying the Scope of the Judgment, November 20, 2023 (Shadow
15 Mountain Motion), pp. 2, 14.)

16 MWA filed a separate action in San Bernardino Superior Court, Case No. CIVSB 2218461,
17 *The Mojave Water Agency, as Mojave Basin Watermaster v. All persons [etc.]* (San Bernardino
18 Action), which is coordinated with the *City of Barstow v. City of Adelanto* case before this Court,
19 to name as defendants persons who produce more than 10 acre-feet of groundwater annually within
20 the Mojave Basin Area. MWA is seeking a new judgment against Shadow Mountain in the San
21 Bernardino Action, and has filed a motion to add Shadow Mountain Ranch as a defendant in the
22 San Bernardino Action that is scheduled to be heard on February 7, 2024.

23 Shadow Mountain Ranch admits that its property is located within the Mojave Basin Area
24 and that it produces more than 10 acre-feet annually (Shadow Mountain Motion pp. 2, 5, 8), but
25 asserts various arguments why its groundwater production should not be subject to the protective
26 basin management measures of the Judgment. VWD joins MWA’s Opposition, and concurs with

27
28 ¹ VWD is a subsidiary district of the City of Victorville formed in 2007 with the consolidation Victor Valley Water District and Baldy Mesa Water District, both of whom were original stipulating parties to the Judgment.

1 the California Department of Fish and Wildlife’s Joinder in the Opposition, that Shadow Mountain
2 Ranch’s Motion in the *City of Barstow v. City of Adelanto* case is procedurally improper because
3 Shadow Mountain Ranch is not a party of the Judgment in that action. The Judgment provides
4 predictability and fairness for the stipulating parties and a framework for sustainable groundwater
5 management for the entire Mojave Basin Area, and this Court should not indulge the request of
6 Shadow Mountain Ranch—a non-party—for an opinion whether it can skirt the Judgment’s basin
7 management protections in order to produce and sell groundwater without conditions. Shadow
8 Mountain Ranch’s Motion in the *City of Barstow v. City of Adelanto* should be denied. Shadow
9 Mountain Ranch’s arguments should be directed to the San Bernardino Action.

10 Dated: January 31, 2024

Law Office of Peter Kiel PC

11
12 

13 _____
Peter J. Kiel
14 Attorney for Defendant Victorville Water District, a
subsidiary district of the City of Victorville

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SONOMA

Re: *City of Barstow v. City of Adelanto, et al.*;
Riverside Superior Court Case No.: CIV 208568

I am over 18 years of age, and not a party to this action. I am employed at the Law Office of Peter Kiel PC. My mailing address is Law Office of Peter Kiel PC, PO Box 422, Petaluma, California 95953-422 and my email is admin@cawaterlaw.com.

On January 31, 2024, I served the document

**CITY OF VICTORVILLE / VICTORVILLE WATER DISTRICT'S JOINDER IN
THE MOJAVE WATER AGENCY'S OPPOSITION TO SHADOW MOUNTAIN
RANCH'S MOTION FOR AN ORDER INTERPRETING AND CLARIFYING
THE JUDGMENT**

By **USPS Overnight Mail** to the recipients listed below. I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to CCP § 1013(c), with delivery fees fully prepaid or provided for.

By **Electronic Mail/Email** to the email addresses listed below.

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Shadow Mountain Ranch, LLC**

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on January 31, 2024 at Petaluma, California.

/s/ Ariella Birnbaum
Ariella Birnbaum

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 31, 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:

**CITY OF VICTORVILLE / VICTORVILLE WATER DISTRICT’S JOINDER IN THE
MOJAVE WATER AGENCY’S OPPOSITION TO SHADOW MOUNTAIN RANCH’S
MOTION FOR AN ORDER INTERPRETING AND CLARIFYING 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 31, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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Mojave Basin Area Watermaster Service List as of January 31, 2024

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