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*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

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12 THE MOJAVE WATER AGENCY,
13 AS THE MOJAVE BASIN AREA WATERMASTER

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN BERNARDINO, JUSTICE CENTER**

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

18 MOJAVE BASIN WATER CASES)

JCCP NO.: 5265
CIV208568 (LEAD CASE NUMBER)
Dept. 1, Riverside Superior Court
Hon. Harold W. Hopp, Judge Presiding

19 THE MOJAVE WATER AGENCY, AS THE)
20 MOJAVE BASIN AREA WATERMASTER,)

21 Plaintiff,

22 vs.

23 All persons who are not presently parties to the)
24 comprehensive groundwater adjudication in)
25 the *City of Barstow, et al., v. City of Adelanto,*)
26 *et al.*, Riverside Superior Court Case No. CIV)
27 208568, and are either producing more than 10)
28 acre-feet of Basin groundwater annually, or)
using Basin groundwater for unlawful)
purposes, and Does 1 through 2,000,)

Defendants.)

CASE NO.: CIVSB 2218461

**NOTICE OF COURT RULING ON
SHADOW MOUNTAIN RANCH LLC'S
MOTION FOR AN ORDER
INTERPRETING AND CLARIFYING THE
SCOPE OF THE JUDGMENT**

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

1 **TO THE PARTIES IN THE CONSOLIDATED ACTIONS, THEIR ATTORNEYS OF**
2 **RECORD, AND LEGAL COUNSEL FOR SHADOW MOUNTAIN RANCH LLC:**

3 **PLEASE TAKE NOTICE THAT** on March 19, 2024, the Court denied the motion of Shadow
4 Mountain Ranch LLC for interpretation and clarification of the Judgment entered in coordinated action,
5 Case No. CIV 208568 (*City of Barstow et al. v. City of Adelanto et al.*). A true and correct copy of the
6 Court's Order is attached as Exhibit 1 hereto, and is incorporated herein by this reference.

7 Dated: March 25, 2024

BRUNICK, McELHANEY & KENNEDY PLC

8
9 By: _____



William J. Brunick
Leland P. McElhaney
Attorneys for Defendant/Cross-complainant,
MOJAVE WATER AGENCY

EXHIBIT 1

MAR 19 2024

E. Escobedo

56

MAR 21 2024 R

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE: City of Barstow et al	v. City of Adelanto et al	DATE & DEPT. March 19, 2024 Dept 1	NUMBER CIV208568 JCCP 5265
Mojave Basin Water Cases			
COUNSEL None	None	REPORTER None	

PROCEEDING

Ruling on Submitted Matter—Motion for Order Interpreting and Clarifying Scope of Judgment

Although it is not a party to this coordinated proceeding, “specially appearing petitioner” Shadow Mountain Ranch, LLC moves to interpret and clarify the scope of the Judgment entered January 10, 1996 (as amended December 5, 2002). It requests “that the Court utilize its inherent powers set forth in *California Code of Civil Procedure* section 128” to find that SMR is not a party to the judgment and to clarify that its pumping of water from “the shallow aquifer underlying (its) property” is not subject to the judgment.

Mojave Water Agency opposes the motion for several reasons, including that SMR lacks standing to seek the order it requests and challenges the factual basis for the motion. The City of Victorville and Victorville Water District joins the MWA’s opposition to the motion.

There are obvious procedural issues when a non-party seeks clarification of a judgment. But beyond the issue that a non-party lacks standing to interpret a judgment, this motion seeks in effect a declaratory judgment that the water pumping SMR seeks to undertake is permissible and would not be subject to the judgment if it were somehow included in the litigation. Further, the judgment itself does not determine—as to the parties who are subject to it—whether their use is reasonable or beneficial. Instead, it determines what amount of free production a party may be allowed without contributing to the overall overdraft in the region. Further, the motion asks the Court to make factual determinations that the Court respectfully suggests may only be made if there were a pending action in which some party—perhaps SMR—brought a claim for declaratory or other relief and that were subject to a trial or a motion for summary judgment.

For all these reasons, the Court denies the motion to clarify the judgment in all respects.

Clerk to give notice.



ORIGINAL

HAROLD W. HOPP, Judge

E. Escobedo (vis), Clerk

Pages 1 of 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
Historic Court House
4050 Main Street, Riverside, CA 92501

Case Number: JCCP5265

Case Name: MOJAVE BASIN WATER CASES

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing notice on this date, by depositing said copy as stated above.

Notices Mailed: Ruling on Submitted Matter-Motion for Order Interpreting and Clarifying Scope of Judgment

Dated: 03/19/2024

JASON B. GALKIN,
Court Executive Officer/Clerk of the Court

by: 
E. Escobedo, Deputy Clerk

Notice has been printed for the following Firm/Attorneys or Parties: JCCP5265

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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.

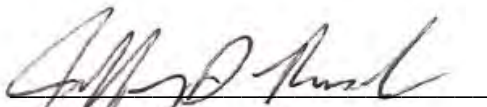
On March 26, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

NOTICE OF COURT RULING ON SHADOW MOUNTAIN RANCH LLC'S MOTION FOR AN ORDER INTERPRETING AND CLARIFYING THE SCOPE OF 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 March 26, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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Mojave Basin Area Watermaster Service List as of March 26, 2024

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