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THE MOJAVE WATER AGENCY,  
8 AS THE MOJAVE BASIN AREA WATERMASTER

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

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

14 **MOJAVE BASIN WATER CASES**

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

15 **THE MOJAVE WATER AGENCY, AS**  
16 **THE MOJAVE BASIN AREA**  
17 **WATERMASTER,**

18 Plaintiff,

vs.

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

24 Defendants.

CASE NO.: CIVSB 2218461

**REPLY BRIEF IN SUPPORT OF  
MOTION FOR LEAVE TO FILE FIRST  
AMENDED COMPLAINT;  
SUPPORTING DECLARATION**

Date: April 15, 2024

Time: 8:30 a.m.

Dept.: 1

RESERVATION NO.: 635695970181

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

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1 Plaintiff, the Mojave Water Agency, as Watermaster for the Mojave Basin Area  
2 (“MWA”), submits this Reply Brief in further support of MWA’s motion for leave to file in  
3 this action the proposed First Amended Complaint (“FAC”).

#### 4 **Introduction**

5 SMR complains about the 14-month delay from August 15, 2022 (when the complaint  
6 was filed in this action) to October 3, 2023 (when MWA’s first motion for leave to join  
7 SMR as an additional defendant was filed). Significantly, SMR makes no attempt to show,  
8 and cannot show, that it has been “prejudiced,” *in any way*, by the 14- month delay.

9 SMR also speculates that MWA intended to deny SMR’s “due process” rights when  
10 MWA’s first motion for leave was not timely served on SMR. As demonstrated below,  
11 SMR’s speculation is patently not true.

12 For a variety of reasons, SMR also argues the proposed FAC would be “futile.” As  
13 demonstrated below, SMR is again mistaken.

#### 14 **SMR’s “delay” claim**

15 SMR argues leave to amend should be denied because of the 14-month “delay” from  
16 the date the complaint was filed to the date MWA filed its first motion for leave to join SMR  
17 as an additional defendant in this action. In support of this claim, SMR cites three appellate  
18 court decisions – each of which is clearly distinguishable from the case at bar. In *Leader v.*  
19 *Health Industries of America, Inc.* (2001) 89 Cal.App.4th 603, the action had been pending  
20 for more than 6 years before amendment was sought, the trial court had sustained  
21 defendant’s demurrer to plaintiff’s third amended complaint, and plaintiff did not submit a  
22 fourth amended complaint within the time allowed under the court’s order sustaining the  
23 demurrer. *Roemer v. Retail Credit Company* (1975) 44 Cal.App.3d 926, was an libel action  
24 commenced in 1965 (i.e., almost 10 years earlier”). At the conclusion of defendant’s case  
25 during a retrial of the action and prior to the giving of jury instructions, defendant requested  
26 leave to amend its answer to plead, for the first time, partial truth of the defamatory  
27 statements. In *Rainer v. Community Memorial Hosp.* (1971) 18 Cal.App.3rd 240, 258, the

1 Court of Appeal noted that “plaintiff, without good cause, waited until the third day of trial (.  
2 . . . which was exactly five years to the date after the action was filed) [before requesting  
3 leave to amend] . . . Upon inquiry by the trial court, plaintiff did not then have the evidence  
4 ready to prove the issues even if amendment had been permitted.” In *Rainer*, it also was  
5 demonstrated that the proposed amendment would “prejudice” the defendant.

6 For the foregoing reasons, the case decisions SMR cites are clearly distinguishable  
7 from the case at bar. Additionally, SMR’s Opposition makes no showing that it would be  
8 “prejudiced,” in any way, by the proposed amendment. Nor could it, because no meaningful  
9 discovery or dispositive motions have yet been filed or served in this action. Moreover, after  
10 SMR is joined as an additional defendant, SMR will have every opportunity to challenge the  
11 pleadings, conduct discovery, file dispositive motions, and participate in the trial of its  
12 purported defenses. Therefore, SMR will not be “prejudiced.”

13 **SMR’s “due process” claim**

14 In its Opposition, SMR carelessly speculates that MWA intended to deny SMR’s due  
15 process rights by not providing SMR with timely notice of MWA’s October 3, 2023 motion  
16 for leave to join SMR as an additional defendant. That is patently not true. After filing the  
17 motion, MWA attempted to serve a copy of the motion at the address for SMR listed on the  
18 California Secretary of State’s website, i.e., 31581 E. 128<sup>th</sup> Avenue, Commerce City,  
19 Colorado 80228. Attached as Exhibit 1 hereto, is a true copy of the listing for SMR on the  
20 Secretary of State’s website. However, when service was attempted, the person at that  
21 address reported that SMR “used to rent space on the property. But they have not been there  
22 in years.” Exhibit 2 hereto is the Declaration of Non-Service from MWA’s process server,  
23 reporting the foregoing information, and that the address for SMR listed on the Secretary of  
24 State’s website is a “bad address.”

25 MWA made reasonable efforts to timely serve a copy of the motion on SMR; its  
26 initial effort to do so was unsuccessful only because SMR did not provide the Secretary of  
27 State with a valid and current service address. Moreover, after resolving certain procedural  
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1 issues, MWA served a copy of its October 3, 2023 motion on SMR's legal counsel on  
2 November 29, 2023, which was seventy (70) calendar days before the date when the motion  
3 was eventually heard on February 7, 2024 (see Exhibit 3 hereto).

4 Therefore, SMR's repeated claim that MWA intended to deny SMR its "due process"  
5 rights by not providing to SMR timely notice of the motion is clearly not true.

6 As to MWA's mistaken filing of a Doe amendment naming SMR, that is fully  
7 explained in MWA's original moving papers (Mot., 6:8-7:3; 14:25-15:15). After recognizing  
8 the error, on October 3, 2023, MWA filed its first motion for leave to add SMR as an  
9 additional defendant. During the hearing on the motion -- after the "Doe" amendment  
10 naming SMR was noted -- the Court denied MWA's October 3, 2023 motion, but did so  
11 "without prejudice" to MWA filing a subsequent motion for leave to file a First Amended  
12 Complaint naming SMR as an additional defendant. MWA then filed a dismissal, without  
13 prejudice, of the "Doe" amendment. Acknowledging this, SMR's Opposition brief concedes,  
14 "MWA has now remedied that error by dismissing the Doe amendment" (Opp. 7:16-17).  
15 After doing so, MWA filed the pending motion.

16 As to MWA's dismissal of one of SMR's predecessors from the coordinated action in  
17 *City of Barstow v. City of Adelanto* (CIV 208568, hereafter, "*City of Barstow*"), that  
18 dismissal is not an impediment to MWA's current motion for leave to file the FAC, naming  
19 SMR as an additional defendant. This is so, because (a) the dismissal of a predecessor of  
20 SMR was filed "without prejudice," and (b) SMR is a new owner of the property who  
21 admittedly produces more than 10 acre-feet of groundwater annually.

22 Thus, SMR's arguments and complaints regarding each of the foregoing issues are  
23 without merit, and do not justify denial of MWA's motion for leave to amend.

24 **The FAC would not be "futile"**

25 **A. Groundwater pumping by non-stipulating parties may be restricted.**

26 MWA, as Watermaster, agrees that the Judgment's "physical solution" cannot be  
27 "imposed" on any person who does not stipulate to the judgment. That does not mean,  
28

1 however, that the Court is without authority to limit or restrict a non-stipulating party's  
2 groundwater production – as SMR also claims. In this regard, SMR mis-reads the Supreme  
3 Court's decision in *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, and the  
4 resulting Amended Judgment entered in *City of Barstow*. Therein, the Supreme Court  
5 explained:

6 . . . no one can have a protectible interest in the unreasonable use of water, and  
7 . . . holders of water rights must use water *reasonably and beneficially*.

8 (Id., at 1242, emphasis added.)

9 . . . the rights of all overlying owners in a groundwater basin are correlative,  
and *subject to cutbacks when the basin is overdrafted* . . .

10 (Id., at 1252, emphasis added.)

11 The Court of Appeal directed the trial court to exclude the Cardozo appellants from  
12 the judgment and to grant them injunctive relief protecting their overlying water  
rights to the current and prospective *reasonable and beneficial* need for water on their  
13 *respective properties*.

14 (Id., at 1252-1253, emphasis added.)

15 As overlying owners, the Cardozo appellants have the right to pump water  
from the ground underneath their respective lands *for use on their lands*.

16 (Id., at 1253, emphasis added.)

17 Accordingly, the Supreme Court recognized at least three limitations on groundwater  
18 pumping by overlying property owners who elect not to stipulate to the Judgment in *City of*  
19 *Barstow* -- such as SMR and the Cardozo defendants -- to wit: (1) because the Mojave Basin  
20 Area is overdrafted, an overlying property owner's "correlative" water right is "subject to  
21 cutbacks"; (2) use of groundwater must be "reasonable and beneficial," not wasteful; and (3)  
22 groundwater pumped cannot exceed the amount reasonably and beneficially needed for, and  
23 used on the "lands" of the overlying property owner.

24 Therefore, if SMR declines to stipulate to the Judgment's "physical solution," the  
25 Court may still limit SMR's use of groundwater to the amount needed for "reasonable and  
26 beneficial" uses on SMR's lands and, because the Mojave Basin Area is overdrafted, that  
27 amount is "subject to cutbacks" under certain conditions. Following the Supreme Court's  
28

1 decision, these same limitations also were recognized in *City of Barstow*'s December 5,  
2 2002, Amended Judgment, as follows:

3 "As overlying owners, the Cardozo Appellants have the right to pump water from the  
4 ground beneath their respective lands for their current and prospective *reasonable and*  
*beneficial need* for water on their respective properties.

5 (Amended Judgment, 1:28-2:3, Exhibit 4 hereto; emphasis added.)

6 As the Supreme Court explained in *Burr v. Maclay Rancho Water Co.* (1908) 154  
7 Cal. 428, 435-437:

8 Different owners of separate tracts of land, situated over common strata of  
9 percolating water, may, each upon his own lands, take by means of wells and pumps  
10 from the common strata, such quantity of water as may be reasonably necessary for  
11 beneficial use upon his land, or his reasonable proportion of such water, if there is not  
12 enough for all; *but one cannot, to the injury of the other, take such waters from the*  
*strata and conduct it to distant lands not situated over the same water-bearing strata.*

13 Accordingly, after SMR is joined as an additional defendant in this action -- like the  
14 Cardozo defendants -- SMR's use of groundwater will not be allowed to exceed its  
15 "reasonable and beneficial need for water on" the lands owned by it (that overly the water  
16 source from which SMR pumps groundwater) and, under certain conditions, that amount  
17 may be "subject to cutbacks." SMR will not be allowed to make wasteful use of  
18 groundwater, or to use the groundwater it pumps other than on its overlying "lands."  
19 Therefore, the Court may enjoin SMR's wasteful use of groundwater, or the export of  
20 groundwater for use other than on the overlying lands owned by SRM (except as may be  
21 specifically allowed under the terms of the Judgment to be entered in this, the San  
22 Bernardino action).

23 **B. This action is not subject to the requirements of SGMA or the Streamlined**  
24 **Adjudication Act.**

25 The 2015 Streamlined Adjudication Act (Code Civ. Proc. § 830 et seq.) is intended to  
26 implement the 2014 Sustainable Groundwater Management Act ("SGMA"). Significantly,  
27 the Streamlined Adjudication Act expressly declares it "does not apply to . . . An adjudicated  
28 area described in subdivisions (a) to (d), inclusive, of Section 10720.8 of the Water Code . .  
." (Code Civ. Proc. § 833(b)(4)). In turn, Water Code Section 10720.8(a)(10) specifically



1 excludes the “Mojave Basin Area.”

2 Therefore, “the Mojave Basin Area” (which is the area adjudicated in *City of*  
3 *Barstow*, and to be further adjudicated in this, the San Bernardino action) is expressly  
4 exempted from the requirements of SGMA and the Streamlined Adjudication Act.

5 Acknowledging this, in paragraph 37 of his declaration filed in support of SMR’s  
6 unsuccessful motion to interpret and clarify the Judgment, SMR’s expert witness, Tony  
7 Morgan, noted: “the majority of the Mojave Basin is adjudicated and therefore exempt from  
8 regulations required by the 2014 Sustainable Groundwater Management Act, commonly  
9 known as SGMA.”

10 Moreover, this action (CIVSB 2218461) merely attempts to implement and enforce  
11 certain provisions of the Judgment entered in *City of Barstow*, which require (at page 5 lines  
12 1-3) that persons producing in the Mojave Basin Area more than 10 acre-feet of groundwater  
13 annually “be made a Party [to the groundwater adjudication] pursuant to Paragraph 12” of  
14 the Judgment,<sup>1</sup> and MWA, as Watermaster, “shall bring an action . . . to enjoin any  
15 Production that is not pursuant to the terms of this Judgment” (Judgment, page 21, lines 18-  
16 20). Therefore, this coordinated action (CIVSB 2218461) is a direct offshoot of *City of*  
17 *Barstow*, and its sole purpose is to implement and enforce the foregoing provisions of the  
18 *City of Barstow*’s Judgment regarding water rights in “the Mojave Basin Area.” Thus,  
19 contrary to SMR’s claim, the San Bernardino action is not an “entirely new lawsuit” subject  
20 to the requirements of SGMA and the Streamlined Adjudication Act.

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21  
22 <sup>1</sup> Although admitting to now producing significantly more than 10 acre-feet of groundwater  
23 annually, SMR contends this provision of the Judgment does not apply to it because neither SMR  
24 nor its predecessor wherever “Minimal Producers,” i.e., persons producing less than 10 acre-feet of  
25 groundwater annually. However, the declaration of Tim Walsh (SMR’s “Manager”), filed on  
26 November 6, 2023 (in support of SMR’s unsuccessful motion to interpret the Judgment), concedes  
27 that, “during the period from 2006 until 2019, there was no groundwater pumping on the property”  
28 (See Exhibit 5 hereto). This means there was Zero groundwater production for the thirteen (13) years  
prior to SMR’s ownership which commenced in 2017, and during the first two (2) years of SMR’s  
ownership. This also means that SMR thereafter graduated from being a Minimal Producer (i.e.,  
producing less than 10 acre-feet annually) to now producing significantly more than 10 acre-feet  
annually. Therefore, the referenced provision of the Judgment does apply.

1           Accordingly, SMR's claim that the FAC would be "futile" because MWA failed to  
2 comply with the requirements of SGMA and the Sustained Adjudication Act is clearly  
3 without merit.

4           Based upon subdivision (e) of Water Code section 10720.8, SMR argues (in footnote  
5 7 of its Opposition) that, "Because SMR's rights to extract groundwater have not been  
6 determined [in *City of Barstow*] SGMA applies to SMR." SMR misreads subdivision (e)  
7 which merely states, "If an adjudication action has determined the rights to extract  
8 groundwater for only a portion of a basin, subdivisions (a), (b), (c) and (d) apply only *within*  
9 *the area for which the adjudication action has determined those rights.*" (Emphasis added.)  
10 Pursuant to its express terms, the Judgment in *City of Barstow* adjudicates water rights  
11 within the entire Mojave Basin Area; moreover, it is undisputed that SMR's property is  
12 located within the area designated in the Judgment as the Mojave Basin Area:

13           The water supply and water rights of the entire Mojave Basin Area and its hydroponic  
14 Subareas extending over 4000 square miles have been brought into issue. Most types  
and natures of water right known to California law are at issue in the case.

15 (Judgment, 5:19-23)

16           This Judgment, and the Physical Solution decreed herein, addresses all [groundwater]  
17 Production within the Mojave Basin Area.

18 (Judgment, 21:11-13)

19           Accordingly, the Judgment in *City of Barstow* adjudicates groundwater production  
20 within the entire Mojave Basin Area, including the portion thereof where SMR's property is  
21 located. And, as noted, subdivision (a)(10) expressly excludes from the requirements of  
22 SGMA and the Streamlined Adjudication Act, the "Mojave Basin Area." Therefore, for this  
23 additional reason, the requirements of SGMA and the Streamlined Adjudication Action "do  
24 not apply" to any adjudication of water rights within the Mojave Basin Area (in which  
25 SMR's property is located). SMR's claim to the contrary is incorrect.

26 **C. SMR's claim that the water beneath its property is hydrologically disconnected  
from the rest of the Mojave Basin Area.**

27           As the Court knows -- based upon SMR's unsuccessful motion to clarify and interpret  
28

1 in its favor the Judgment entered in *City of Barstow* -- MWA and others dispute SMR's  
2 claim that its water rights should not be adjudicated (because the water sources beneath  
3 SMR's property purportedly are hydrologically disconnected from the rest of the Mojave  
4 Basin Area). When the Court denied SMR's motion to interpret the Judgment in SMR's  
5 favor, the Court succinctly noted:

6 Further, [SMR's] motion asks the Court to make factual determinations that the Court  
7 respectfully suggests may only be made if there were a pending action in which some  
8 party – perhaps SMR – brought a claim for declaratory or other relief and that were  
subject to a trial or a motion for summary judgment. (3/19/2024 Minute Order.)

9 Accordingly, after SMR is joined as a defendant in this action, SMR may pursue this  
10 purported defense by filing a cross-complaint for declaratory relief or a motion for summary  
11 judgment; this discrete issue is inappropriate for determination on this motion.

12 **D. The policy of “great liberality” in granting leave to amend is to be applied.**

13 It is well established that “California courts have ‘a policy of great liberality in  
14 allowing amendments at any stage of the proceeding so as to dispose of cases upon  
their substantial merits where the authorization does not prejudice the substantial  
15 rights of others.’ [Citation.] Indeed, ‘it is a rare case in which “a court will be justified  
in refusing a party leave to amend his [or her] pleading so that he [or she] may  
16 properly present his [or her] case.” [Citation.]” (*Douglas v. Superior Court* (1989)  
215 Cal.App.3d 155, 158 . . .) Thus, absent a showing of prejudice to the adverse  
17 party, the rule of great liberality in allowing amendment of pleadings will prevail.  
(*Higgins v. Del Faro* (1981) 123 Cal.App.3d 558, 564)

18 (*Board of Trustees v. Superior Court* (2007) 149 Cal.App.4th 1154, 1163.)

19 It is error and an abuse of discretion to deny leave to amend where the opposing party  
20 is not misled or prejudiced (see *Berman v. Bromberg* (1997) 56 Cal.App.4th 936, 945, 946  
21 [“rules of pleading are conveniences to promote justice and not to impede or warp it”];  
22 *Morgan v. Superior Court* (1959) 172 Cal.App.2d 527, 530.) And, as noted above, SMR will  
23 not suffer any legal prejudice as a result of the proposed amendment.

24 ///

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28

1 **Conclusion**

2 SMR's Opposition attempts to raise issues more appropriate for determination by  
3 demurrer, motion for summary adjudication, or at trial.


4 It is quite significant that SMR makes no attempt to show, and it cannot show, that it  
5 would be legally "prejudiced," *in any way*, by the proposed First Amended Complaint which  
6 merely seeks to name SMR as an additional defendant in this action. After it is joined, SMR  
7 will have every opportunity to challenge the pleadings, conduct discovery, and litigated its  
8 purported defenses.

9 In accord with the policy of "great liberality" in granting motions for leave to amend,  
10 it is respectfully submitted that MWA's motion for leave to file the proposed First Amended  
11 Complaint should be granted.

12 Dated: April 8, 2024

**BRUNICK, MCELHANEY & KENNEDY PLC**

13  
14 By: \_\_\_\_\_

  
15 William J. Brunick  
16 Leland P. McElhaney  
17 Attorneys for Defendant/Cross-complainant,  
18 MOJAVE WATER AGENCY  
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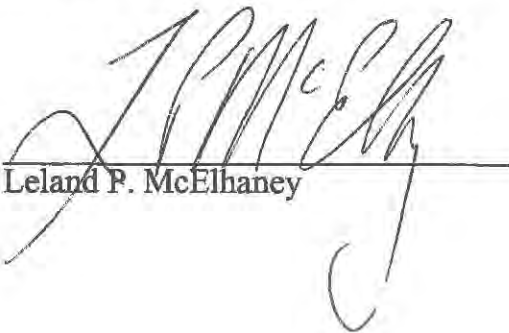
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## SUPPORTING DECLARATION

Leland P. McElhaney declares and states:

1. I am an attorney at law, duly licensed to practice in all courts of the State of California, and a principal in the law firm of Brunick, McElhaney & Kennedy, PLC, legal counsel in this action for plaintiff, the Mojave Water Agency. I have personal knowledge of all of the matters set forth below and, if called as a witness, I could and would testify competently thereto.
2. Attached as Exhibit 1 hereto is a true and correct copy of the listing for SMR on the Secretary of State's website.
3. Attached as Exhibit 2 hereto is a true and correct copy of the Declaration of Non-Service from MWA's process server, reporting that the address for SMR listed on the Secretary of State's website is a "bad address."
4. Attached as Exhibit 3 hereto is a true and correct copy of my November 29, 2023, e-mail to SMR's attorneys, to which was attached a copy of MWA's October 3, 2023 motion for leave to add SMR as an additional defendant in this action.
5. Attached as Exhibit 4 hereto is a true and correct copy of the Court's December 5, 2002, Amended Judgment entered in *City of Barstow*.
6. Attached as Exhibit 5 is a true and correct copy of the declaration of SMR's Manager, Tim Walsh, filed in *City of Barstow* on November 6, 2023.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that his declaration was executed in San Bernardino, California, on April 8, 2024.

  
\_\_\_\_\_  
Leland P. McElhaney

# **EXHIBIT 1**

SHADOW MOUNTAIN RANCH, LLC  
(2019) 9810203

# Business Search

▼ *The California Business Search provides access to available information for **corporations, limited liability companies and limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.*

*Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.*



### Request Certificate

Initial Filing Date	12/13/2019
Status	Active
Standing - SOS	Good
Standing - FTB	Good
Standing - Agent	Not Good
Standing - VCFCF	Good
Formed In	COLORADO
Entity Type	Limited Liability Company - Out of State
Principal Address	31581 E. 128TH AVE COMMERCE CITY, CO 80218
Mailing Address	31581 E. 128TH AVE COMMERCE CITY, CO80218
Statement of Info Due Date	12/31/2023
Agent	Individual NO AGENT AGENT RESIGNED OR INVALID



View History



Request Access

### Basic Search

*A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, remove*

[Skip to main content](#) State

## **EXHIBIT 2**



<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> William J Brunick (SBN 46289) Brunick, McElhanev & Kennedy P.O. Box 13130 San Bernardino, CA 92423-3130  TELEPHONE NO.: (909) 889-8301      FAX NO.: (909) 388-1889 ATTORNEY FOR: Plaintiff	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE</b> STREET ADDRESS: 4050 Main Street MAILING ADDRESS: P.O. Box 431, Riverside CITY AND ZIP CODE: CA, 92501 BRANCH NAME: Central	
PLAINTIFF: City of Barstow DEFENDANT: City of Adelanto	<b>CASE NUMBER:</b> CIV208568
<b>DECLARATION OF NON-SERVICE</b>	Ref. No. or File No.: City of Barstow v. City of Adelanto

1. I am over 18 years of age and not a party to this action.
2. Received by Sano Attorney Service to be served on **Shadow Mountain Ranch, LLC, 31581 E. 128th Ave., Commerce City, CO 80228.**
3. **NON-SERVED** the Notice of Motion and Motion to Add Shadow Mountain Ranch, LLC, as a Defendant: Supporting Declaration: After due search, careful inquiry and diligent efforts, an employee, independent contractor and/or myself have been unable to effect service of process for the reasons detailed below.
4. Additional Information pertaining to this non-service:  
 11/10/2023 5:19 PM BAD ADDRESS. SPOKE TO A WOMAN RESIDENT. SHE HAS LIVED THERE 19 YRS. SHE SAID SHADOW MOUNTAIN USED TO RENT SPACE ON THE PROPERTY BUT THEY HAVE NOT BEEN THERE IN YEARS. THE PROPERTY IS EMERALD FARMS.
5. I am an independent contractor of a registered California process server.
6. My name, address, telephone number, and, if applicable, county of registration and number are:  
 Name: Monique Fisher  
 Firm: Sano Attorney Service  
 Address: P.O. Box 1568, Riverside, CA 92502  
 Telephone number: (909) 425-2248  
 Registration Number: # 1474  
 County: San Bernardino  
 The fee for the service was: \$249.00
7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 11.14.23

Monique Fisher

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

*Monique L. Fisher*  
 (SIGNATURE OF PERSON WHO SERVED THE PAPERS)



# **EXHIBIT 3**

**Lee McElhane**

---

**From:** Lee McElhane  
**Sent:** Wednesday, November 29, 2023 9:31 AM  
**To:** Alison Toivola; Christopher Pisano  
**Subject:** Shadow Mountain Ranch LLC  
**Attachments:** SUMMONS MWA vs. All Persons.pdf; MWA vs. All Persons - Complaint For Adjudication Of Water Rights to Produce and Use Groundwater.pdf; NOTICE OF MOTION AND MOTION TO ADD SHADOW MOUNTAIN RANCH LLC AS A DEFENDANT.wpd.pdf

Alison and Christopher:

As agreed, attached please find from the San Bernardin action: the summons; the complaint; and the motion to join SMR as an additional defendant in that action.

Has the court signed the stipulation? Assuming the stipulation has been signed, or will be signed shortly, please confirm that SMR accepts service of the attached documents and waives all of its previously stated limited objections to the motion.

Lee McElhane  
Attorney  
Brunick, McElhane & Kennedy  
1839 Commercenter West  
San Bernardino, Ca 92408  
Phone: 909-889-8301  
Fax: 909-388-1889  
Email: lmcElhane@bmkLawplc.com

# **EXHIBIT 4**



COPY

1 William J. Brunick, (Bar No. 46289)  
2 BRUNICK, BATTERSBY, McELHANEY & BECKETT  
3 1839 Commercenter West  
4 P.O. Box 6425  
5 San Bernardino, California 92412-6425  
6 Telephone: (909) 889-8301  
7 Facsimile: (909) 388-1889

FILED  
SUPERIOR JUDICIAL COURT  
OF RIVERSIDE COUNTY  
DEC 05 2002

8 Attorneys for Defendant/Cross-Complainant,  
9 MOJAVE WATER AGENCY

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

12 CITY OF BARSTOW, et al

13 Plaintiff,

14 v.

15 CITY OF ADELANTO, et al

16 Defendant.

CASE NO.: 208568

AMENDMENT TO JUDGMENT  
AFTER TRIAL ENTERED  
JANUARY 10, 1996; and  
ORDER THEREON

Assigned for All Purposes to:  
Judge E. Michael Kaiser

17 AND RELATED CROSS ACTIONS

18 The Judgment After Trial, filed and entered January 10, 1996, in the above-  
19 captioned matter, is hereby amended by inserting the following paragraphs 19(a) and 19(b)  
20 immediately following Paragraph 19 on page 24.

21 Paragraph 19(a):

22 Pursuant to the direction of the California Supreme Court and the Court of Appeal,  
23 as set forth in the Stipulation for Settlement entered in the Court of Appeal on August 6,  
24 2002, Neil DeVries, Virgil Gorman, Richard Leyerly, Geneva Leyerly, Jerry Osterkamp,  
25 David and Elizabeth Daily, Richard (deceased) and Elaine Fitzwater, Robert T. and Barbara  
26 T. Older and Steve Older, collectively referred to as the "Cardozo Appellants" are, except  
27 as provided in this paragraph, excluded from this Judgment and they are not bound by any  
28 of the provisions of this Judgment. As overlying owners, the Cardozo Appellants have the

1 right to pump water from the ground underneath their respective lands for their current and  
2 prospective reasonable and beneficial need for water on their respective properties

3 Therefore, the parties who stipulated to this Judgment are hereby enjoined and  
4 restrained from interfering with the Cardozo Appellants' ability to exercise their overlying  
5 water rights for their current and prospective reasonable and beneficial need for water on  
6 their respective properties.

7 If parties who stipulated to the Judgment are in full compliance with the Judgment,  
8 there shall be a rebuttable presumption that the Cardozo Appellants' water rights are not  
9 being interfered with.

10 Each individual Cardozo Appellant shall have the right at any time, by written  
11 election filed with the Court and served on the Mojave Water Agency to become a  
12 stipulating party to the Judgment. If such an election is made, that party shall be accorded  
13 Base Annual Production shown on Table B-1 of Exhibit "B", subject to any rampdown then  
14 or thereafter in effect, but shall have no liability with respect to any assessments which were  
15 made, or which could have been made, before the date of the election.

16 The provisions of this paragraph are binding upon and inure to the benefit of not only  
17 the Cardozo Appellants, but as well as to the respective heirs, executors, administrators,  
18 successors, assigns, lessees, licensees and to the agents, employees and attorneys-in-fact of  
19 any of the Cardozo Appellants.

20 Paragraph 19(b):

21 Jess Ranch Water Company has stipulated to the Judgment of January 10, 1996, as  
22 set forth in the Stipulation and Intervention and Entry of Judgment filed in the Riverside  
23 County Superior Court on August 23, 2002.

24 \\\

25 \\\

26 \\\

27

28

ORDER

It is so ordered.

E. MICHAEL KAISER

Dated: DEC. 05 2002

E. Michael Kaiser  
Judge of the Superior Court

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RECEIVED  
BRUNICK, BATTERSBY,  
McELHANEY & BECKETT  
AUG 08 2002

## Court of Appeal

FOURTH DISTRICT, DIVISION TWO  
3200 TWELFTH STREET  
RIVERSIDE, CALIFORNIA 92501

CHAMBERS OF  
JAMES D. WARD  
ASSOCIATE JUSTICE

(909) 248-0925

August 7, 2002

William J. Brunick, Esq.  
Brunick, Battersby, McElhaney & Beckett  
P. O. Box 6425  
San Bernardino, CA 92412

Re: Mojave Water/Jess Ranch/Cordozo/E029791

Dear Mr. Brunick:

Enclosed is the original Cordozo stipulation for settlement; the order on which I have signed and forward to you herewith for disposition.

My thanks to you for all your efforts in bringing this case to a satisfactory conclusion.

James D. Ward

Enclosure



**COURT OF APPEAL, FOURTH DISTRICT  
DIVISION TWO  
STATE OF CALIFORNIA**

CITY OF BARSTOW, et al.	)	
	)	E017881 and E018923
Plaintiffs and Respondents,	)	
	)	(Superior Court No. 208568)
v.	)	
	)	
MOJAVE WATER AGENCY, et al.	)	
	)	
Defendants, Cross-Complainants,	)	
and Respondents,	)	
	)	
JESS RANCH WATER COMPANY,	)	
	)	
Cross-Defendant and Appellant.	)	
_____	)	
	)	
MOJAVE WATER AGENCY, et al.,	)	
	)	
Cross-Complainants and	)	
Respondents,	)	E01823 and E018681
	)	
v.	)	
	)	
MANUAL CARDOZO, et al.,	)	
	)	
Cross-Defendants and Appellants.)	)	
_____	)	

**STIPULATION FOR SETTLEMENT  
PROVIDING FOR AMENDMENT OF JUDGMENT  
IN TRIAL COURT AND ORDER THEREON**

The undersigned parties, each of whom stipulated to the Judgment in the trial Court, hereinafter the "Stipulating Parties" on the one hand, and Niel Devries, Virgil Gorman, Richard Leyerly, Geneva Leyerly, Jerry Osterkamp, David and Elizabeth Daily, Richard (Deceased) and Elaine Fitzwater, Robert T. and Barbara T. Older and Steve Older, collectively referred to as the "Cardozo Appellants" on the other hand, by and through their respective attorneys, do stipulate and agree as follows:

RECITALS

Whereas the Cardozo Appellants are among the Cross-Defendants in the case known as *City of Barstow, et al. vs. City of Adelanto, et al.*, Case No. 208568, Superior Court of California, County of Riverside (the "Action"); and

Whereas the Cardozo Appellants did not stipulate to the Judgment in the Action, and;

Whereas a "Judgment after Trial" in the Action was filed on January 10, 1999, and;

Whereas the Cardozo Appellants appealed from the Judgment, and;

Whereas on August 21, 2000, the Supreme Court of California affirmed the earlier judgment of the Court of Appeal and in so doing stated at pages 31 and 32 of its Opinion:

"Respondents also argue that overlying pumpers in an overdrafted basin should be required to file an Action to adjudicate groundwater rights at the first indication of substantial growth in the area. However, overlying pumpers are not

under an affirmative duty to adjudicate their groundwater rights, because they retain them by pumping. (*City of San Fernando, supra*, 14 Cal.3d at p. 293, fn.100; *Hi-Desert County Water Dist., supra*, 23 Cal.App.4th at pp. 1731-1732.)

“As overlying owners, the Cardozo appellants have the right to pump water from the ground underneath their respective lands for use on their lands. The overlying right is correlative and is therefore defined in relation to other overlying water rights holders in the basin. In the event of a water supply shortage, overlying users have priority over appropriative users. (*City of Pasadena, supra*, 33 Cal.2d at p. 926.) The Court of Appeal properly recognized that the Cardozo Appellants retained their overlying rights by pumping, and that no claim of prescription had been asserted to reduce those retained overlying rights.”

And further, at page 30 of the Opinion, stated:

“The Court of Appeal directed the trial court to exclude the Cardozo appellants from the judgment and to grant them injunctive relief protecting their overlying water rights to the current and prospective reasonable and beneficial need for water on their respective properties.”

Whereas on February 28, 2001, the Court of Appeal issued a second Opinion in the Action, this one not to be published, in which the Court stated at page 8:

“The Cardozo appellants are to be excluded from the stipulated judgment, they are not bound by any provisions of the stipulated judgment, and any payments made

///

by them under the assessment provisions of the stipulated judgment are to be ordered refunded to them.

“Although it is clear that the Cardozo appellants are not included in the stipulated judgment, an issue is raised as to their water rights. The Cardozo appellants cite the disposition ordered in our superseded opinion: “[T]he trial court is directed to enter its order . . . , based on the evidence previously submitted, [which grants] the Cardozo Appellants injunctive relief to protect their riparian and overlying water rights to the current and prospective reasonable and beneficial need for water on their respective parties. (*Tehachapi-Cummings County Water Dist. V. Armstrong*) [1975] 49 Cal.App.3d 992, 1001.)” Since this portion of the disposition was affirmed by the Supreme Court, it stands, and should be followed by the trial court on remand.”

And further at page 13, the Court states:

“As the only party (other than Jess Ranch) that proved any water rights at trial, the Cardozo appellants are entitled to full protection of those rights. As we said in our previous disposition, the Cardozo appellants are entitled to “injunctive relief to protect their riparian and overlying water rights to the current and prospective reasonable and beneficial need for water on their respective properties. (*Tehachapi-Cummings County Water Dist. v. Armstrong, supra*, 49 Cal.App.3d 992, 1001.)” (Fn. omitted.) Since that portion of our judgment was affirmed, the trial court should follow this mandate on remand.”, and;

Whereas, on remand, the Action was reassigned to the Honorable J. Michael Kaiser, Judge of the Superior Court; and

Whereas, following that assignment, the Cardozo Appellants filed a peremptory challenge against Judge Kaiser under *Code of Civil Procedure* §170.6; and

Whereas the peremptory challenge was denied; and

Whereas the Cardozo Appellants filed a Petition for Writ of Mandate in the Court of Appeal, Fourth Appellate District, Division Two where it is now pending; and

Whereas the Action has been referred to the Court of Appeals Settlement Conference program in the course of which the parties have participated in extensive settlement discussions under the guidance of the Honorable James D. Ward, Associate Justice of this Court, and

Whereas the parties have now arrived at a settlement which they believe is in the best interest of the parties hereto as well as the majority of other parties in the Mojave River Basin.

NOW THEREFORE, the parties hereto stipulate and agree as follows:

1. The Stipulating Parties shall deposit in Covington & Crowe LLP's client trust account, in such amounts as they shall among themselves determine, the total sum of \$500,000.00 to be distributed to the Cardozo Appellants as hereinafter provided.



2. Said sum of \$500,000.00 shall be divided among the Cardozo Appellants in such proportions as they shall determine.

3. Covington & Crowe LLP shall distribute said sum of \$500,000.00 to the Cardozo Appellants upon Justice Ward approving this Stipulation for Settlement.

4. Upon distribution of said sum of \$500,000.00, to the Cardozo Appellants, they shall cause their pending Petition for Writ of Mandate regarding the disqualification of Judge Kaiser to be dismissed.

5. The judgment after trial, filed January 10, 1996, shall be amended, paragraph 19(a) thereto to read as follows:

**Special Provisions for the "Cardozo Appellants"**

Pursuant to the direction of the California Supreme Court and the Court of Appeal, Niel DeVries, Virgil Gorman, Richard Leyerly, Geneva Leyerly, Jerry Osterkamp, David and Elizabeth Daily, Richard (Deceased) and Elaine Fitzwater, Robert T. and Barbara T. Older and Steve Older, collectively referred to as the "Cardozo Appellants" are, except as provided in this paragraph, excluded from this Judgment and they are not bound by any of the provisions of this judgment. As overlying owners, the Cardozo Appellants have the right to pump water from the ground underneath their respective lands for their current and prospective reasonable and beneficial need for water on their respective properties.

///

Therefore, the parties who stipulated to this Judgment are hereby enjoined and restrained from interfering with the Cardozo Appellants' ability to exercise their overlying water rights for their current and prospective reasonable and beneficial need for water on their respective properties.

If parties who stipulated to the Judgment are in full compliance with the Judgment, there shall be a rebuttable presumption that the Cardozo Appellants' water rights are not being interfered with.

Each individual Cardozo Appellant shall have the right at any time, by written election filed with the Court and served on the Mojave Water Agency to become a stipulating party to the Judgment. If such an election is made, that party shall be accorded that Base Annual Production shown on Table B-1 of Exhibit "B", subject to any rampdown then or thereafter in effect, but shall have no liability with respect to any assessments which were made, or which could have been made, before the date of the election.

The provisions of this paragraph are binding upon and inure to the benefit of not only the Cardozo Appellants, but as well to the respective heirs, executors, administrators, successors, assigns, lessees, licensees and to the agents, employees and attorneys-in-fact of any of the Cardozo Appellants.

6. This Stipulation for Settlement may be executed in counterparts. Each counterpart shall be deemed to be an original. All counterparts shall constitute but a single Stipulation for Settlement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement

this 19<sup>th</sup> day of July, 2002.

**STIPULATING PARTIES**

\_\_\_\_\_  
State of California

\_\_\_\_\_  
Victor Valley Water District

\_\_\_\_\_  
Southern California Water Company

\_\_\_\_\_  
Hesperia Water District

\_\_\_\_\_  
Apple Valley Ranchos

  
\_\_\_\_\_  
Mojave Water Agency

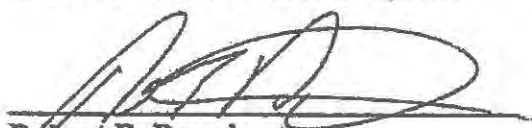
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Silver Lakes Association

\_\_\_\_\_  
Cemex

\_\_\_\_\_  
Mitsubishi Cement

**CARDOZO APPELLANTS**

By  
COVINGTON & CROWE, LLP

  
\_\_\_\_\_  
Robert E. Dougherty  
Attorneys for Cross-Defendants and  
Appellants Niel Devries, Virgil  
Gorman, Richard Leyerly, Geneva  
Leyerly, Jerry Osterkamp, David and  
Elizabeth Daily, Richard (Deceased)  
and Elaine Fitzwater, Robert T. and  
Barbara T. Older and Steve Older

**ORDER**

The foregoing "STIPULATION FOR SETTLEMENT . . ." is hereby approved. Pursuant to the stipulation:

1. The Stipulating Parties shall immediately deposit in the client trust account of Covington & Crowe, LLP, in such amounts as they shall among themselves determine, the total sum of \$500,000.00 to be distributed among the Cardozo Appellants as they shall among themselves determine.

2. Upon the deposit of the \$500,000.00 in the trust account, Covington & Crowe, LLP, on behalf of the Cardozo Appellants shall serve and file with the clerk of this court a request to dismiss the petition for writ of mandate filed in case No. E029791, entitled Neil Devries et al. v. Riverside County Superior Court (Mojave Water Agency et al.), thereby permitting the Hon. E. Michael Kaiser, Judge of the Riverside County Superior Court, to complete the superior court proceedings in the underlying case pursuant to the parties' stipulations.

3. Upon the filing of the order dismissing the petition in case No. E029791, a judgment shall be prepared incorporating the provisions of paragraph 19(a) as set forth in the "STIPULATION FOR SETTLEMENT . . ." If it approves the judgment, the Riverside Superior Court shall execute and enter the judgment.

Dated: \_\_\_\_\_

8/6/02



\_\_\_\_\_  
Hon. James D. Ward  
Associate Justice, Court of Appeal  
Fourth District, Division Two

# **EXHIBIT 5**



1 ERIC L. GARNER, Bar No. 130665  
eric.garner@bbklaw.com  
2 CHRISTOPHER M. PISANO, Bar No. 192831  
christopher.pisano@bbklaw.com  
3 ALISON K. TOIVOLA, Bar No. 350252  
alison.toivola@bbklaw.com  
4 BEST BEST & KRIEGER LLP  
300 South Grand Avenue  
5 25th Floor  
Los Angeles, California 90071  
6 Telephone: (213) 617-8100  
Facsimile: (213) 617-7480  
7

8 Attorneys for Specially-Appearing Petitioner Shadow  
Mountain Ranch, LLC  
9

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

12 CITY OF BARSTOW, et al.,

13 Plaintiffs,

14 v.

15 CITY OF ADELANTO, et al.,

16 Defendants.  
17

Lead Case No. CIV208568  
JCCP5265 MOJAVE BASIN WATER  
CASES

Judge: Craig Riemer, Department 1

**DECLARATION OF TIMOTHY  
WALSH IN SUPPORT OF MOTION TO  
INTERPRET AND CLARIFY THE  
JUDGMENT**

*[Filed concurrently with:*  
1. *Motion to Interpret/Clarify;*  
2. *Declaration of Tony Morgan;*  
3. *Declaration of Christopher Pisano;*  
4. *Request for Judicial Notice;*  
*and,*  
5. *[Proposed] Order.]*

Date: Jan. 8, 2024  
Time: 8:30am  
Dept: 1

Action Filed: May 30, 1990

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW  
300 SOUTH GRAND AVENUE, 25TH FLOOR  
LOS ANGELES, CALIFORNIA 90071

1 DECLARATION OF TIMOTHY WALSH

2 I, Timothy Walsh, declare as follows:

3 1. I am a Manager of the Principal Investor of Shadow Mountain Ranch, LLC  
4 (“SMR”) and I am the Manager at SMR. I make this declaration in support of SMR’s special  
5 appearance in the above-captioned adjudication for the sole purpose of filing the motion to  
6 interpret and clarify the scope of the January 10, 1996 Judgment and Physical Solution  
7 (“Judgment”) (collectively, “Motion”). I have personal knowledge of the facts set forth in this  
8 declaration and, if called as a witness, could competently testify to all matters set forth herein.

9 2. On November 20, 2017, a group of investors, including a company in which I am  
10 an owner, purchased SMR. SMR owns a 631-acre piece of property located on the northeast side  
11 of the Harper Dry Lake basin, and just to the south of Black Mountain, which is an outcropping  
12 of basalt (“SMR Property”). The SMR Property is about 15 miles to the north and west of the  
13 City of Barstow.

14 3. The SMR Property was historically used as an alfalfa farm. I understand that the  
15 prior owner of the SMR Property operated the alfalfa farm from approximately 1980 until 2006,  
16 and that this operation produced about 6,000 tons of hay per year, using 4 center-pivot irrigation  
17 systems. I understand that this owner reported pumping approximately 8,000 to 10,000 acre feet  
18 (“AF”) of water per year (“AFY”) from five onsite groundwater wells for its farming operations.  
19 I understand that the farming operations ceased in 2006, and that thereafter the land returned to a  
20 dry and fallow state until 2019, after the current owners had purchased the property, and when the  
21 current owners restarted alfalfa farming operations. I understand that during the time period from  
22 2006 until 2019, there was no groundwater pumping on the SMR Property.

23 4. I further understand that the predecessor owners of the SMR Property were Curt  
24 Jahnke and Ace Exploration & Water Drilling Company (“Ace”), which was a company that was  
25 owned by Mr. Jahnke. I understand that Ace was named as a party to Mojave Water Agency’s  
26 (“MWA”) cross-complaint in the adjudication that led to the entry of the Judgment in this action,  
27 however, MWA dismissed Ace as a cross-defendant, and neither Ace nor Mr. Jahnke are parties  
28 to the Judgment. Thus, while the SMR Property is within the boundaries of the Centro Subarea of

1 the Judgment, SMR is not a party to the Judgment.

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

7 6. After our new ownership group took over the SMR Property, we revitalized the  
8 alfalfa farming operations, and we began pumping groundwater again to support those farming  
9 operations. SMR has been pumping groundwater from the shallow aquifer beneath the SMR  
10 Property since 2019, including for the reasonable and beneficial use of growing alfalfa. SMR  
11 pumped approximately 631 AF of groundwater in the 2019-20 water year, and nearly 1,000 AF of  
12 groundwater in the 2020-21 water year. Again, while we have resumed groundwater pumping in  
13 recent years, there has been no claim of well interference by anyone in the Mojave Basin against  
14 SMR that I am aware of.

15 7. In early 2018, SMR's new ownership group also embarked on a comprehensive  
16 plan to evaluate the aquifers and groundwater pumping potential underneath the SMR Property.  
17 When we purchased the SMR Property, we were aware that Mr. Jahnke and/or Ace had  
18 commissioned analyses of the potential safe yield of the groundwater under the SMR Property,  
19 and that several technical reports<sup>1</sup> suggest that a safe yield for pumping the shallow aquifer under  
20 the SMR Property could be anywhere from 5,000 AFY to 24,000 AFY. These studies suggested  
21 that there is a considerable amount of water available directly under the SMR Property that could  
22 be pumped. At that time, there also were reports of exploratory drilling that suggested that there  
23 might be a deep alluvial aquifer below the basaltic layers under the shallow aquifer.

24 8. The new SMR ownership wanted to get a better sense of the geology and  
25 groundwater availability under the SMR Property. In January 2019, we retained Daniel B.  
26 Stephens & Associates ("DBS&A") to undertake this investigation. As part of this investigation,  
27

28 <sup>1</sup> Among other materials that have been prepared over the last two decades, this specifically  
included analyses from Neblett & Associates (2008) and Stetson Engineers (2012).

1 in 2022, we funded a deep exploratory well to drill through the shallow alluvial layer and the  
2 basaltic layers underneath in order to verify the existence of the separate deep alluvial aquifer that  
3 we understood existed, and to get an understanding of the nature of this deep aquifer and the  
4 groundwater that is within it, including determining whether the deep aquifer is hydrologically  
5 disconnected from the shallow aquifer and/or the rest of the Mojave Basin. DBS&A oversaw this  
6 drilling, and the findings of their work are discussed in the declaration of Tony Morgan of  
7 DBS&A, which is filed concurrently with this declaration and the Motion.

8 9. Since 2018, the new ownership group of SMR has invested approximately \$2  
9 million in the drilling, testing, and analyses of the aquifers and groundwater beneath the SMR  
10 Property. Again, the results are discussed in Mr. Morgan's declaration, but it appears that the  
11 groundwater beneath the SMR Property is separate from the water that was adjudicated in the  
12 Judgment, and thus this water is essentially supplemental water that, if pumped, could be put to a  
13 beneficial use without causing harm or otherwise impacting the Judgment's safe yield allocations.  
14 Moreover, it appears that the water in the deep aquifer has never previously been pumped from  
15 the SMR Property to extract groundwater (other than the recent extractions that we did for testing  
16 purposes).

17 10. SMR intends to pump groundwater from both of the aquifers underlying the SMR  
18 Property as a source of supplemental water, and sell that supplemental water to other user(s) so  
19 that this water can be put to beneficial use.

20 11. In August of 2023, I discussed the potential to sell this water to Mojave Water  
21 Agency with Mojave Water Agency's General Manager, Adnan Anabtawi. When I explained the  
22 substantial work and investigations we have conducted with DBS&A, as well as our plan to pump  
23 this supplemental water and sell it, Mr. Anabtawi indicated that he was interested, but that we  
24 should secure Court approval before Mojave Water Agency would consider purchasing the water  
25 from us. As a result, we now bring this Motion.

26 //

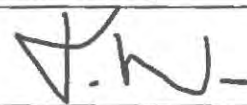
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I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 1st day of November, 2023, at Lake Forest, IL.

  
\_\_\_\_\_  
Timothy Walsh

BSST BSST & KRIEGER LLP  
ATTORNEYS AT LAW  
308 SOUTH GRAND AVENUE, 25TH FLOOR  
LOS ANGELES, CALIFORNIA 90071



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**PROOF OF SERVICE**

I, Vanessa Guillen-Becerra, declare:

I am a citizen of the United States and employed in San Bernardino County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2855 E. Guasti Road, Suite 400, Ontario, California 91761. On November 6, 2023, I served a copy of the within document(s):

**DECLARATION OF TIMOTHY WALSH IN SUPPORT OF MOTION TO INTERPRET AND CLARIFY THE JUDGMENT**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Ontario, California addressed as set forth below.
- by placing the document(s) listed above in a sealed \_\_\_\_\_ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a \_\_\_\_\_ agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

*Please see attached Service List.*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 6, 2023, at Ontario, California.

  
 \_\_\_\_\_  
 Vanessa Guillen-Becerra

BEST BEST & KRUEGER LLP  
 ATTORNEYS AT LAW  
 2855 E. GUASTI ROAD, SUITE 400  
 ONTARIO, CALIFORNIA 91761

Service List

Via Email

Williams J. Brunick, Esq.  
Leland P. McElhaney, Esq.  
BRUNICK, McELHANEY & KENNEDY PLC  
1839 Commercenter West  
P.O. Box 13130  
San Bernardino, CA 92423-3130  
Tel No. (909) 889-8301  
Fax No. (909) 388-1889  
Email: [bbrunick@bmklawplc.com](mailto:bbrunick@bmklawplc.com)  
[lmcelhaney@bmklawplc.com](mailto:lmcelhaney@bmklawplc.com)

Via One Legal Eservice:

Andrew, Brittany  
[bandrews@tinnellylaw.com](mailto:bandrews@tinnellylaw.com)

Kiel, Peter  
[ikiel@cawaterlaw.com](mailto:ikiel@cawaterlaw.com)

BEST BEST & KUEIGER LLP  
ATTORNEYS AT LAW  
2855 E. CHURCH ROAD, SUITE 400  
ONTARIO, CALIFORNIA 91761

1 **PROOF OF SERVICE**

2 *The Mojave Water Agency, as the Mojave Basin Area Watermaster vs. All Persons Who are*  
3 *not presently parties to the comprehensive groundwater adjudication in the City of*  
4 *Barstow, et al., v. City of Adelanto, et al., Riverside Superior Court Case No. CIV208568,*  
5 *and are either producing more than 10 acre-feet of Basin groundwater annually, or using*  
6 *Basin groundwater for unlawful purposes, and Does 1 through 2,000*  
7 *San Bernardino Superior Court Case No.: CIVSB 2218461*

8 *Mojave Basin Water Cases JCCP5265*

9 I am employed in the County of the San Bernardino, State of California. I am over the  
10 age of 18 and not a party to the within action; my business address is 1839 Commercenter  
11 West, P.O. Box 13130, San Bernardino, California 92423-3130.

12 On April 8, 2024, I served the following entitled document(s): **REPLY BRIEF IN**  
13 **SUPPORT OF MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT;**  
14 **SUPPORTING DECLARATION** on the interested parties in this action in the manner  
15 described below, addressed as follows:

16 **SEE ATTACHED SERVICE LIST**

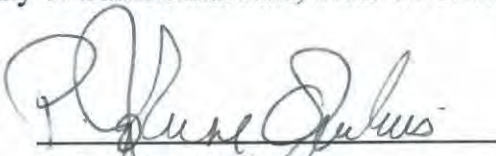
17 **BY MAIL AS FOLLOWS:** I am "readily familiar" with the firm's practice of  
18 collection and processing correspondence for mailing. Under that practice it would be  
19 deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid  
20 at San Bernardino, California in the ordinary course of business. I am aware that on motion  
21 of the party served, service is presumed invalid if postal cancellation date or postage meter  
22 date is more than one day after date of deposit for mailing in affidavit.

23 **XX BY ELECTRONIC MAIL AS FOLLOWS:** On this date, the aforesaid document  
24 was transmitted by electronic mail to the person(s) whose name(s) and e-mail address are  
25 listed. The transmission(s) were reported without error.

26 **(BY OVERNIGHT COURIER SERVICE):** I caused such envelopes to be delivered  
27 via overnight courier service to the addressee(s) described above.

28 **X (STATE)** I declare under penalty of perjury under the laws of the State of California  
that the above is true and correct

Executed April 8, 2024 in the City of San Bernardino, State of California.

  
P. Jo Anne Quihuis



**SERVICE LIST**

Eric L. Garner  
[eric.garner@bbklaw.com](mailto:eric.garner@bbklaw.com)  
Christopher M. Pisano  
[christopher.pisano@bbklaw.com](mailto:christopher.pisano@bbklaw.com)  
Alison K. Toivola  
[alison.toivola@bbklaw.com](mailto:alison.toivola@bbklaw.com)  
BEST BEST & KRIEGER LLP  
300 South Grand Avenue, 25<sup>th</sup> Floor  
Los Angeles, California 90071

Attorneys for Specially-Appearing Petitioner  
SHADOW MOUNTAIN RANCH, LLC

Telephone: (213) 617-8100  
Facsimile: (213) 617-7480

Rob Bonta  
Eric M. Katz  
Noah Golden-Krasner  
State of California Department of Justice  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, California 90013-1230

Attorneys for CALIFORNIA DEPARTMENT  
OF FISH AND WILDLIFE

Telephone: (213) 269-6343  
Facsimile: (916) 731-2128  
Email: [noah.goldenkrasner@doj.ca.gov](mailto:noah.goldenkrasner@doj.ca.gov)  
[eric.katz@doj.ca.gov](mailto:eric.katz@doj.ca.gov)

Timothy Mahar, Jr., Esq.  
TINNELLY LAW GROUP  
27101Puerta Real, Suite 250  
Mission Viejo, California 92691  
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Attorneys for Specially-Appearing Petitioner  
SPRING VALLEY LAKE ASSOCIATES

Email: [tmahar@tinnellylaw.com](mailto:tmahar@tinnellylaw.com)  
[dborrola@tinnellylaw.com](mailto:dborrola@tinnellylaw.com)

Peter Kiel  
Law Office of Peter Kiel  
P.O. Box 422  
Petaluma, California 94953-0422  
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Email: [pkiel@cawaterlaw.com](mailto:pkiel@cawaterlaw.com)  
[ikiel@cawaterlaw.com](mailto:ikiel@cawaterlaw.com)

Attorneys for CITY OF VICTORVILLE

1 **PROOF OF SERVICE**

2 *The Mojave Water Agency, as the Mojave Basin Area Watermaster vs. All Persons Who*  
3 *are not presently parties to the comprehensive groundwater adjudication in the City of*  
4 *Barstow, et al., v. City of Adelanto, et al., Riverside Superior Court Case No. CIV208568,*  
5 *and are either producing more than 10 acre-feet of Basin groundwater annually, or using*  
6 *Basin groundwater for unlawful purposes, and Does 1 through 2,000*  
7 *San Bernardino Superior Court Case No.: CIVSB 2218461*

8 *Mojave Basin Water Cases JCCP5265*

9 I am employed in the County of the San Bernardino, State of California. I am over  
10 the age of 18 and not a party to the within action; my business address is 1839 Commercenter  
11 West, P.O. Box 13130, San Bernardino, California 92423-3130.

12 On April 8, 2024, I served the following entitled document: **REPLY BRIEF IN**  
13 **SUPPORT OF MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT;**  
14 **SUPPORTING DECLARATION** on the interested parties in this action in the manner  
15 described below, addressed as follows:

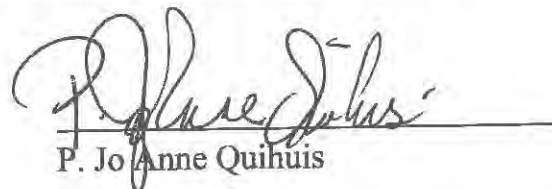
16 **SEE ATTACHED FOR SERVICE LIST**

17 XX **BY MAIL AS FOLLOWS:** I am "readily familiar" with the firm's practice of  
18 collection and processing correspondence for mailing. Under that practice it would be  
19 deposited with the U.S. Postal Service on that same day with postage thereon fully  
20 prepaid at San Bernardino, California in the ordinary course of business. I am aware that  
21 on motion of the party served, service is presumed invalid if postal cancellation date or  
22 postage meter date is more than one day after date of deposit for mailing in affidavit.

23      **(BY OVERNIGHT COURIER SERVICE):** I caused such envelopes to be  
24 delivered via overnight courier service to the addressee(s) described above.

25 X **(STATE)** I declare under penalty of perjury under the laws of the State of California  
26 that the above is true and correct

27 Executed April 8, 2024, in the City of San Bernardino, State of California.

28   
P. Jo Anne Quihuis



**SERVICE LIST**

*The Mojave Water Agency, as the Mojave Basin Area Watermaster vs. All Persons Who are not presently parties to the comprehensive groundwater adjudication in the City of Barstow, et al., v. City of Adelanto, et al., Riverside Superior Court Case No. CIV208568, and are either producing more than 10 acre-feet of Basin groundwater annually, or using Basin groundwater for unlawful purposes, and Does 1 through 2,000*

San Bernardino Superior Court Case No.: CIVSB 2218461

*Mojave Basin Water Cases JCCP5265*

Shunxing Weng 135 W. Newmark Ave., Apt. A Monterey Park, California 91754	Defendant, In Pro Per
Jasper Young Kim 2665 Amber Wood Pl. Thousand Oaks, California 91362	Defendant, In Pro Per
Jae Hwan Lee 1520 James M. Wood Blvd. Los Angeles, California 90015	Defendant In Pro Per
Byung Koo Chin 15648 Meridian Rd. Lucerne Valley, California 92356	Defendant In Pro Per
Law Offices of Matthew C. Mullhofer, PC Matthew C. Mullhofer, Esq. 18012 Sky Park Circle, Ste. 100A Irvine, California 92614  Telephone: (714) 827-9955 Facsimile: (714) 827-9966  E-Mail: <a href="mailto:mcm@matthewcmullhofer.com">mcm@matthewcmullhofer.com</a>	Attorneys for Defendant, Jing Chen
Cameron H. Totten Paul P. Cheng Gene S. Lizaso PPRC Law, APC 790 E. Colorado Blvd., Suite 260 Pasadena, California 91101 Tele: (626) 356-8880 Fax: (888) 231-8196  E-Mail: <a href="mailto:litigation@pprclaw.com">litigation@pprclaw.com</a>	Attorneys for Defendant, Weilong Huang

**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.

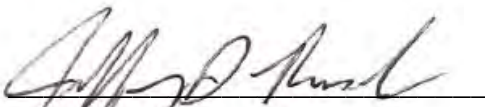
On April 8, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster’s Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing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

**REPLY BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT; SUPPORTING DECLARATION**

  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 April 8, 2024 at Apple Valley, California.

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

## Mojave Basin Area Watermaster Service List as of April 08, 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: Dwayne Oros  
Adelanto, City Of  
11600 Air Expressway  
Adelanto, CA 92301-4914

(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;  
davidahn0511@gmail.com)  
Ahn, Chun Soo and David (via email)  
P. O. Box 45  
Apple Valley, CA 92307-0001

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

Ake, Charles J. and Marjorie M.  
2301 Muriel Drive, Apt. 67  
Barstow, CA 92311-6757

Attn: Paul Tsai (paul@ezzlife.com)  
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.  
13853 Oakmont Dr.  
Victorville, CA 92395-4832

Attn: Daniel B. Smith (avfwd@gmail.com)  
Apple Valley Foothill County Water District  
(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: Matthew 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  
Apple Valley, CA 92307-3061

Avila, Angel and Evalia  
1523 S. Visalia  
Compton, CA 90220-3946

Attn: Sheré R. Bailey  
(LegalPeopleService@gmail.com)  
Bailey 2007 Living Revocable Trust, Sheré R.  
(via email)  
10428 National Blvd  
Los Angeles, CA 90034-4664

Attn: Daniel Shaw (barhwater@gmail.com)  
Bar H Mutual Water Company (via email)  
P. O. Box 844  
Lucerne Valley, CA 92356-0844

Barber, James B.  
43774 Cottonwood Road  
Newberry Springs, CA 92365

Attn: John Munoz  
(barlenwater@hotmail.com)  
Bar-Len Mutual Water Company (via email)  
P. O. Box 77  
Barstow, CA 92312-0077

Attn: Curtis Palmer  
Baron, Susan and Palmer, Curtis  
141 Road 2390  
Aztec, NM 87410-9322

Attn: Jennifer Riley (hriley@barstowca.org)  
Barstow, City of (via email)  
220 East Mountain View Street -Suite A  
Barstow, CA 92311

Attn: Barbara Davisson  
Bass Trust, Newton T.  
14924 Chamber Lane  
Apple Valley, CA 92307-4912

## Mojave Basin Area Watermaster Service List as of April 08, 2024

Attn: Remo E. Bastianon  
Bastianon Revocable Trust  
9484 Iroquois Rd.  
Apple Valley, CA 92308-9151

Attn: Mike Beinschroth  
(Beinschroth@gmail.com)  
Beinschroth Family Trust (via email)  
18794 Sentenac Road  
Apple Valley, CA 92307-5342

Beinschroth, Andy Eric  
6719 Deep Creek Road  
Apple Valley, CA 92308-8711

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  
(stephenson@dmsnaturalresources.com)  
BNSF Railway Company (via email)  
602 S. Ferguson Avenue, Suite 2  
Bozeman, MT 59718-6483

Attn: Deborah Stephenson  
(stephenson@dmsnaturalresources.com;  
Jason.Murray@bnsf.com;  
Blaine.Bilderback@bnsf.com)  
BNSF Railway Company (via email)  
602 S. Ferguson Avenue, Suite 2  
Bozeman, MT 59718-

Borja, Leonil T. and Tital L.  
20784 Iris Canyon Road  
Riverside, CA 92508-

Box, Geary S. and Laura  
P. O. Box 402564  
Hesperia, CA 92340-2564

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

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

Brown, Jennifer  
10001 Choiceana Ave.  
Hesperia, CA 92345

Bruneau, Karen  
19575 Bear Valley Rd.  
Apple Valley, CA 92308-5104

(irim@aol.com)  
Bryant, Ian (via email)  
15434 Sequoia Avenue - Office  
Hesperia, CA 92345-1667

(bubierbear@msn.com)  
Bubier, Diane Gail (via email)  
46263 Bedford Rd.  
Newberry Springs, CA 92365-9819

Attn: Noah Furie  
Budget Finance Company  
PO BOX 641339  
Los Angeles, CA 90064-6339

Bunnell, Dick  
8589 Volga River Circle  
Fountain Valley, CA 92708-5536

(kjbco@yahoo.com)  
Bush, Kevin (via email)  
7768 Sterling Ave.  
San Bernardino, CA 92410-4741

Attn: Robert Muratalla  
(Robert.Muratalla@associa.us)  
Calico Lakes Homeowners Association (via  
email)  
11860 Pierce Street, Suite 100  
Riverside, CA 92505-5178

Attn: William DeCoursey  
(michael.lemke@dot.ca.gov;  
William.Decoursey@dot.ca.gov)  
California Department Of Transportation (via  
email)  
175 W. Cluster  
San Bernardino, CA 92408-1310

Attn: Robert W. Bowcock  
CalMat Company  
405 N. Indian Hill Blvd.  
Claremont, CA 91711-4614

Attn: Catalina Fernandez-Moores  
(cfernandez@calportland.com)  
CalPortland Company - Agriculture (via email)  
P. O. Box 146  
Oro Grande, CA 92368-0146

Attn: Catalina Fernandez-Moores  
(cfernandez@calportland.com)  
CalPortland Company - Oro Grande Plant (via  
email)  
P. O. Box 146  
Oro Grande, CA 92368-0146

Attn: Tony Camanga  
Camanga, Tony and Marietta  
2309 Highland Heights Lane  
Carrollton, TX 75007-2033

Attn: Myron Campbell II  
Campbell, M. A. and Dianne  
19327 Cliveden Ave  
Carson, CA 90746-2716

Carlton, Susan  
445 Via Colusa  
Torrance, CA 90505-

Attn: Denise Parra  
Casa Colina Foundation  
P.O. Box 1760  
Lucerne Valley, CA 92356

## Mojave Basin Area Watermaster Service List as of April 08, 2024

Attn: Danielle Stewart  
(danielle.stewart@wildlife.ca.gov;  
Richard.Kim@wildlife.ca.gov;  
Alisa.Ellsworth@wildlife.ca.gov)  
CDFW - Camp Cady (via email)  
4775 Bird Farm Road  
Chino Hills, CA 91709-3175

Attn: Jared Beyeler  
CDFW - Mojave Narrows Regional Park  
222 W. Hospitality Lane, 2nd Floor  
San Bernardino, CA 92415-0023

Attn: Paco Cabral  
(paco.cabral@wildlife.ca.gov;  
askregion6@wildlife.ca.gov;  
aaron.johnson@wildlife.ca.gov)  
CDFW - Mojave River Fish Hatchery (via  
email)  
12550 Jacaranda Avenue  
Victorville, CA 92395-5183

Attn: Alejandra Silva  
(alejandrav.silva@cemex.com)  
Cemex, Inc. (via email)  
16888 North E. Street  
Victorville, CA 92394-2999

Attn: Jennifer Cutler  
Center Water Company  
P. O. Box 616  
Lucerne Valley, CA 92356-0616

Attn: Nancy Ryman  
Chamisal Mutual Water Company  
P. O. Box 1444  
Adelanto, CA 92301-2779

Attn: Carl Pugh (talk2betty@aol.com;  
cpugh3@aol.com)  
Cheyenne Lake, Inc. (via email)  
44658 Valley Center Rd.  
Newberry Springs, CA 92365-

Choi, Yong Il and Joung Ae  
34424 Mountain View Road  
Hinkley, CA 92347-9412

(joan.chong7@gmail.com;  
joancksp@hotmail.com)  
Chong, Joan (via email)  
10392 Shady Ridge Drive  
Santa Ana, CA 92705-7509

Christison, Joel  
P. O. Box 2635  
Big River, CA 92242-2635

Attn: Hwa-Yong Chung  
Chung, et al.  
11446 Midway Ave.  
Lucerne Valley, CA 92356-8792

Clark, Arthur  
P. O. Box 4513  
Blue Jay, CA 92317-4513

Attn: Manoucher Sarbaz  
Club View Partners  
9903 Santa Monica Blvd., PMB #541  
Beverly Hills, CA 90212-1671

Conner, William H.  
11535 Mint Canyon Rd.  
Agua Dulce, CA 91390-4577

Contratto, Ersula  
13504 Choco Road  
Apple Valley, CA 92308-4550

Attn: George Starke  
Corbridge, Linda S.  
8743 Vivero St  
Rancho Cucamonga, CA 91730-

Attn: Gwen Bartels  
Cross, Francis and Beverly  
156 W 100 N  
Jerome, ID 83385-5256

Cross, Sharon I.  
P. O. Box 922  
Lucerne Valley, CA 92356

Attn: Jay Hooper (jayho123@gmail.com)  
Crown Cambria, LLC (via email)  
9860 Gidley St.  
El Monte, CA 91731-1110

Attn: Alessia Morris  
Crystal Lakes Property Owners Association  
P. O. Box 351  
Yermo, CA 92398-0351

(dacostadean@gmail.com)  
DaCosta, Dean Edward (via email)  
32307 Foothill Road  
Lucerne Valley, CA 92356-8526

Attn: Shanna Mitchell (daggettsd@aol.com;  
daggettsd@outlook.com;  
daggettwater427@gmail.com)  
Daggett Community Services District (via  
email)  
P. O. Box 308  
Daggett, CA 92327-0308

Attn: Steve and Dana Rivett  
Daggett Ranch, LLC  
P. O. Box 112  
Daggett, CA 92327-0112

Attn: James Kelly  
(James.Kelly@clearwayenergy.com)  
Daggett Solar Power 3 LLC (via email)  
5780 Fleet Street, Suite 130  
Carlsbad, CA 92008-4715

(ron@dadcopowerandlights.com)  
Dahlquist, George R. (via email)  
8535 Vine Valley Drive  
Sun Valley, CA 91352-

Darr, James S.  
40716 Highway 395  
Boron, CA 93516

Attn: Alan L. De Jong  
De Jong Family Trust  
46561 Fairview Road  
Newberry Springs, CA 92365-9230



## Mojave Basin Area Watermaster Service List as of April 08, 2024

Attn: Randy Wagner  
Dennison, Quentin D. - Clegg, Frizell and Joke  
44579 Temescal Street  
Newberry Springs, CA 92365

Attn: Marie McDaniel  
Desert Dawn Mutual Water Company  
P. O. Box 392  
Lucerne Valley, CA 92356-0392

Attn: Penny Zaritsky  
(pennyzaritsky2000@yahoo.com)  
Desert Girlz LLC (via email)  
P. O. Box 709  
Lucerne Valley, CA 92356-0709

Attn: Denise Courtney  
Desert Springs Mutual Water Company  
P. O. Box 396  
Lucerne Valley, CA 92356-0396

Attn: Debby Wyatt  
DLW Revocable Trust  
13830 Choco Rd.  
Apple Valley, CA 92307-5525

Attn: Judith Dolch-Partridge, Trustee  
Dolch Living Trust Robert and Judith  
4181 Kramer Lane  
Bellingham, WA 98226-7145

Donaldson, Jerry and Beverly  
16736 B Road  
Delta, CO 81416-8501

Attn: Jeffery Lidman  
Dora Land, Inc.  
P. O. Box 1405  
Apple Valley, CA 92307-0026

Attn: David Dorrance  
Dorrance, David W. and Tamela L.  
118 River Road Circle  
Wimberley, TX 78676-5060

Attn: David Looper  
Douglass, Tina  
P.O. Box 1730  
Lucerne Valley, CA 92356-

Dowell, Leonard  
345 E Carson St.  
Carson, CA 90745-2709

Evenson, Edwin H. and Joycelaine C.  
P. O. Box 66  
Oro Grande, CA 92368-0066

Attn: Stephanie L. Evert  
(severt2166@aol.com)  
Evert Family Trust (via email)  
19201 Parker Circle  
Villa Park, CA 92861-1302

Attn: David Dittenmore  
(d2dittenmore@bop.gov; rslayman@bop.gov)  
Federal Bureau of Prisons, Victorville (via email)  
P. O. Box 5400  
Adelanto, CA 92301-5400

Fejfar, Monica Kay  
34080 Ord Street  
Newberry Springs, CA 92365-9791

(afc30@yahoo.com)  
Fernandez, Arturo (via email)  
28 Calle Fortuna  
Rancho Santa Margarita, CA 92688-2627

Ferro, Dennis and Norma  
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Jacksonville Beach, FL 32250-3512

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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 April 08, 2024

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358 Chorus  
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Attn: William Handrinis  
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## Mojave Basin Area Watermaster Service List as of April 08, 2024

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## Mojave Basin Area Watermaster Service List as of April 08, 2024

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Attn: Lee Logsdon  
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## Mojave Basin Area Watermaster Service List as of April 08, 2024

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Attn: Robert Saidi  
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## Mojave Basin Area Watermaster Service List as of April 08, 2024

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Attn: Nick Higgs  
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