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Case Number CIV208568 0000105608100 - Jason B. Galkin, Executive Officer/Clerk of the Court By Joseline DeRosier, Clerk

1 ALESHIRE & WYNDER, LLP  
PAM K. LEE, State Bar No. 246369  
2 *plee@awattorneys.com*  
CHRISTINE M. CARSON, State Bar No. 188603  
3 *ccarson@awattorneys.com*  
ROBERT M. HENSLEY, State Bar No. 309101  
4 *rhensley@awattorneys.com*  
Aleshire & Wynder, LLP  
5 3701 Wilshire Blvd., Suite 725  
Los Angeles, CA 90010  
6 Tel: (310) 527-6660  
Facsimile: (310) 532-7395

7 Attorneys for CITY OF HESPERIA

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF RIVERSIDE**

11 Coordination Proceeding Special Title  
12 (Cal. Rules of Court, Rule 3.550)

Case No. CIV208568

13 MOJAVE BASIN WATER CASES

Assigned for All Purposes to:  
Hon. Judge Craig G. Reimer, Dept. 1

14 \_\_\_\_\_  
15 CITY OF BARSTOW, et al,

**CITY OF HESPERIA’S OPPOSITION TO  
GOLDEN STATE WATER COMPANY’S  
MOTION TO ENFORCE JUDGMENT**

16 Plaintiff,

17 v.

Date: OCTOBER 2, 2024  
Time: 8:30 am  
Dept.: 1

18 CITY OF ADELANTO, et al,

19 Defendant.

Reservation ID for Golden State’s motion:  
562595011427

20 \_\_\_\_\_  
21 AND RELATED CROSS-ACTIONS

22  
23 Defendant City of Hesperia (“City”) hereby submits this opposition to Golden State Water  
24 Company’s Motion to Enforce (“Motion”) this Court’s judgment (“Judgment”).

25 **I. INTRODUCTION**

26 On September 6, 2024, Golden State Water Company (“GS”), which is located in the Centro  
27 area of the groundwater basin, filed a motion in court asking for an order that the Watermaster:

1 (1) Evaluate the production safe yield (PSY) for the Alto Subarea, the Centro Subarea, the  
2 Transition Zone (aka the “TZ” between Alto and Centro), including the calculation of the PSY of  
3 the subareas; conduct a factual investigation on which those calculations are based; and analyze any  
4 underlying assumptions inherent in the calculations (whether specified in the Judgment or not); and

5 (2) submit to the Court a report containing Watermaster’s findings and calculations as a  
6 component of its 31st Annual Report of the Mojave Basin Area Watermaster Year 2023-24.

7 Golden State also asks that the Watermaster be ordered to prepare and submit to the Court a  
8 report identifying recommendations and a timeline to improve hydrologic data collection and  
9 scientific and engineering estimates for preparation of future updates to PSY and continued  
10 implementation of the Judgment, which shall consider the recommendations contained in the Expert  
11 Report, as a component of its 32nd Annual Report of the Mojave Watermaster for Water Year 2024-  
12 25.

13 Golden State has apparently been developing the this motion and supporting documents over  
14 many months, but has only allowed the other parties 12 days (until September 18, 2024) to retain  
15 experts, prepare expert declarations and reports, and prepare and file an opposition, putting other  
16 parties at a disadvantage if they wish to oppose the motion. However, the arguments made in GS’  
17 motion were made by GS earlier this year, and, at that time, were rejected by the Watermaster and  
18 the Court.

19 Golden State’s arguments should be rejected again, and the motion should be denied.

20 **II. ARGUMENT**

21 **A. GS’ ARGUMENTS WERE ALREADY LITIGATED IN GS’S FILING IN**  
22 **RESPONSE TO THE WATERMASTER’S MOTION TO ADJUST FREE**  
23 **PRODUCTION ALLOWANCE FOR 2024-25, WERE ALREADY**  
24 **ADDRESSED BY THE WATERMASTER, AND THE RELIEF WAS NOT**  
25 **GRANTED BY THE COURT.**

26 **(1) GS rehashes its argument that the Watermaster be ordered to consider and prepare**  
27 **an annual report for the Transition Zone “as recommended by Aquilogic.”**  
28

1 GS argues that the Watermaster’s Water Budget for the 2024 PSY Update is insufficient and  
2 “likely” overestimates inflow to Centro. (GS Motion p. 14.). GS asks that the court order the  
3 Watermaster to reevaluate the 2024 PSY Update to “evaluate the potential complex groundwater  
4 flow dynamics in the Transition Zone”. However, the Watermaster has already done this, and  
5 addressed this argument before.

6 This is the same relief GS requested in Spring of 2024 for a hearing in June 2024. Prior to  
7 that hearing, the Watermaster responded at pages 6-7 of the Watermaster’s May 28, 2024 Reply.  
8 GS suggested that the Watermaster prepare a report for the transition zone (TZ) in line with GS’s  
9 expert’s (Aquilogic) recommendations, which would include a water budget for the TZ.  
10 Watermaster and its engineer responded:

11 “[T]here are two significant elements of the water balance to the TZ, both of which  
12 are measured or based directly on measurement. The waste stream from the Victor  
13 Valley Wastewater Treatment Plan is discharged within the TZ and is measured and  
14 discharged within the TZ. The flow at Lower Narrows is measured directly by USGS  
15 weekly to estimate the mean daily discharge. Both of these records are considered  
16 reliable and adequate for estimating the water balance in the TZ and calculating  
17 outflow across the Helendale Fault. *The water budget elements recommended by*  
18 *Aquilogic are already included in the water budget analysis for the TZ.* The use of  
19 the USGS Basin Characterization Model (BCM) and the Parameter-elevation  
20 Regressions on Independent Slopes Model (PRISM) are included in the Upper  
21 Mojave Basin Model.” (Watermaster’s May 28, 2024 Reply Brief in Support of  
22 Motion to Adjust Free Production Allowance for Water Year 2024-25, p. 7: 1-13,  
23 citing Wagner Supplemental Declaration in support of Reply, Exh. A, 4:3-12  
24 [Emphasis added].)

25 The Court did not grant GS’s requested orders in Spring of 2024, and it has not presented  
26 new evidence. Therefore, the court should reject this motion.

27 **(2) GS rehashes Its Prior Request that the Watermaster Install, Operate and Maintain**  
28 **Meters to Monitor Stream Flow in the TZ**

1 At page 13 of its motion, GS asks that the Watermaster be ordered to install, operate and  
2 maintain meters and monitor stream flow in the TZ.

3 However, as the Watermaster and its engineer indicated on May 28, 2024,  
4 “monitoring wells are, in fact, present in the Transition Zone and near the Helendale  
5 fault . . . . [I]nstallation of a stream gage at or near the Helendale Fault would `be  
6 subject to the same conditions that resulted in [the Wild Crossing gage’s]  
7 abandonment, as noted by USGS, Line, 1996. Similarly, installing a stream gage at  
8 or near the Helendale Fault as suggested by GSWC would encounter the same  
9 conditions, resulting in an unreliable record.’ Data from the monitoring wells located  
10 at or near the Helendale Fault are used by the Watermaster and the Watermaster  
11 Engineer annually. Such data is published in the Watermaster’s Report every year”.  
12 (Watermaster’s May 28, 2024 Reply, p. 6, Section D, citing Wagner Supplemental  
13 Declaration, at 4:1-2, Exh. A 3:21-25, in support of Watermaster May 28, 2024  
14 Reply.)

15 Again, the Court did not grant GS’s requested demands in Spring of 2024, and GS has not  
16 presented new evidence. Therefore, the court should reject this motion also.

17 **(3) GS Again Attacks the Watermaster’s Use of the Groundwater Model, an**  
18 **Argument Previously Made and Rejected.**

19 On page 16 of GS’s Motion, it argues “the Upper Mojave River Basin (UMRBM) model is  
20 too limited in spatial extent to be useful for simulations of groundwater in the Transition Zone and  
21 the model cannot yet simulate the potentially complex groundwater flow dynamics between the  
22 Transition zone and the Centro Subarea because a portion of the Transition Zone and the Centro  
23 Subarea are not included in the model.” (GSWC Motion at 16:1-5, citing Evidence, Exh. 1, pp. 26-  
24 2 [citing its Expert report, section 4.3].).

25 This argument was refuted this Spring. As explained in the Watermaster’s Engineer’s  
26 Declaration, the Upper Mojave Basin Model “incorporates hydrologic data and analysis to represent  
27 the conditions of the Alto Subarea for the period 1951-2020. A description of the Model and its  
28 assumptions and output is available as Appendix A-G of Exhibit 5.” (Watermaster’s May 28, 2024

1 Reply, p. 7; Wagner Declaration Ex. C to Watermaster Motion to Adjust FPA for Water Year 2024-  
2 25, 3:11-14.)

3 In addition the Watermaster’s Engineer concluded:

4 “the model output for future conditions resulting from importing 17,475 acre-feet per  
5 year in Alto will increase water flow at the Upper Narrows at the Mojave Narrows  
6 Regional Park, increase flow through the Lower Narrows and support habitat  
7 throughout the Transition Zone, while also increasing flow downstream to Centro  
8 across the Helendale Fault. The modeling output shows that average annual flow as  
9 measured at Lower Narrows will increase by about 9,000 acre-feet per year (Exhibit  
10 5, Appendix A, Figure 4).” (Wagner Decl. Exhibit C to Watermaster Motion to  
11 Adjust FPA for WY 2024-25, 4:1-6.)

12 Mr. Wagner’s Supplemental Declaration in Support of Reply in support of Watermaster  
13 Motion to Adjust FPA for WY 2024-25, also explained flows across Helendale Fault, which  
14 represents the long term average supply to Centro, will not occur every year. (Wagner Suppl. Decl.  
15 Exh. A, at 4:13-20, in support of Watermaster Reply in support of Watermaster Motion to Adjust  
16 FPA for WY 2024-25.) Like many river and stream systems in the west, the Mojave River system  
17 is episodic, meaning there are long periods of well below average flow followed by occasional  
18 periods of well above average flow. (*Ibid.*) The Judgment is predicated on the long term average  
19 flow. (*Ibid.*) The Upper Mojave Basin Model is being expanded already to include the TZ and the  
20 Centro and Baja subareas, and when complete, will provide another tool. (*Ibid.*) Thus, GS’s motion  
21 in regard to this model is unnecessary and moot.

22 **B. THE HEARING SHOULD BE CONTINUED TO ALLOW PARTIES**  
23 **ADEQUATE TIME TO OPPOSE OR OTHERWISE RESPOND TO A HIGHLY**  
24 **TECHNICAL MOTION**

25 GS states it met and conferred with the Watermaster, coordinated the hearing date and  
26 briefing schedule with the Watermaster, but did not do so with any other parties, despite the fact  
27 that its motion affects all parties, particularly those in Alto and Centro. The GS motion was served  
28

1 electronically only 16 days before the hearing, allowing the minimum time permitted by law for a  
2 personally delivered motion, on a highly technical motion, warranting a continuance of the hearing.

3 **III. CONCLUSION**

4 The arguments made in GS' motion were made by GS earlier this year, and, at that time,  
5 were rejected by the Watermaster and the Court. Golden State's arguments should be rejected again,  
6 and the motion should be denied. Alternatively, the Court should continue the hearing to allow the  
7 parties adequate time to respond to the motion<sup>1</sup>.

8 Respectfully submitted.

9 DATED: September 18, 2024

ALESHIRE & WYNDER, LLP  
PAM K. LEE  
CHRISTINE M. CARSON  
ROBERT M. HENSLEY

13 By:   
14 CHRISTINE M. CARSON  
15 Attorneys for CITY OF HESPERIA

27 <sup>1</sup> City files this Opposition in an abundance of cation, and in filing this Opposition, City does not  
28 waive any arguments, rights or defenses.

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**PROOF OF SERVICE**

**City of Barstow, et al v City of Adelanto, et al  
Case No. CIV208568**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3701 Wilshire Blvd., Suite 725, Los Angeles, CA 90010.


On **September 18, 2024**, I served true copies of the following document(s) described as **CITY OF HESPERIA’S OPPOSITION TO GOLDEN STATE WATER COMPANY’S MOTION TO ENFORCE JUDGMENT** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address ccarson@awattorneys.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on **September 18, 2024**, at Los Angeles, California.

  
\_\_\_\_\_  
Christine Carson

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27  
28

**SERVICE LIST**  
**City of Barstow, et al v City of Adelanto, et**  
**al Case No. CIV208568**

William J. Brunick, Esq. *Attorneys for Defendant/Cross-Complainant*  
Brunick, McElhaney & Kennedy PLC *Mojave Water Agency*  
1839 Commercenter West  
P.O. Box 13130  
San Bernardino, CA 92423-3130  
Email: [bbrunick@bmklawplc.com](mailto:bbrunick@bmklawplc.com)

Valerie Wiegenstein *Mojave Basin Area Watermaster*  
Mojave Basin Area Watermaster  
13846 Conference Center Drive  
Apple Valley, CA 92307  
Email: [vwiegenstein@mojavewater.org](mailto:vwiegenstein@mojavewater.org)  
[watermaster@mojavewater.org](mailto:watermaster@mojavewater.org)

Stephanie Osler Hastings *Attorneys for Moving Party*  
Mackenzie W. Carlson **GOLDEN STATE WATER COMPANY**  
**BROWNSTEIN HYATT FARBER**  
**SCHRECK, LLP**  
1021 Anacapa Street, 2nd Floor  
Santa Barbara, CA 93101-2711  
Telephone: 805.963.7000  
Email: [SHastings@bhfs.com](mailto:SHastings@bhfs.com);  
[Mcarlson@bhfs.com](mailto:Mcarlson@bhfs.com)



## 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 September 18, 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 HESPERIA'S OPPOSITION TO GOLDEN STATE WATE COMPANY'S MOTION TO ENFORCE 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 September 18, 2024 at Apple Valley, California.

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

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Attn: Roberto Munoz  
35250 Yermo, LLC  
11273 Palms Blvd., Ste. D.  
Los Angeles, CA 90066-2122

Attn: John McCallum  
Abshire, David V.  
PO Box # 2059  
Lucerne Valley, CA 92356-2059

Attn: Dwayne Oros  
Adelanto, City Of  
11600 Air Expressway  
Adelanto, CA 92301-1914

(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

(ArchibekFarms@gmail.com;  
Sandi.Archibek@gmail.com)  
Archibek, Eric (via email)  
41717 Silver Valley Road  
Newberry Springs, CA 92365-9517

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

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Bartels, Gwendolyn J.  
156 W 100 N  
Jerome, ID 83338-5256

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

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

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

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

Attn: William DeCoursey  
(michael.jemke@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  
(celias@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

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Carlton, Susan  
445 Via Colusa  
Torrance, CA 90505-

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

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: Environmental  
(valorie.moore@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-

Attn: Micahel Chisram  
Chisram, et al.  
414 S. Lincoln Ave.  
Monterey Park, CA 91775-3323

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

Attn: Jaehwan Lee  
Come Mission, Inc.  
9965 Baker Road  
Lucerne Valley, CA 92365-8490

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-

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

## Mojave Basin Area Watermaster Service List as of September 18, 2024

(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

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

(wwcc0626@gmail.com)  
Feng, Jinbao (via email)  
33979 Fremont Road  
Newberry Springs, CA 92365-9136

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

Ferro, Dennis and Norma  
1311 1st Ave. N  
Jacksonville Beach, FL 32250-3512

(ropingmom3@yahoo.com)  
Finch, Jenifer (via email)  
9797 Lewis Lane  
Apple Valley, CA 92308-8357

Attn: Alex and Jerrica Liu  
(alexliu1950@gmail.com;  
alexroseanneliu@yahoo.com)  
First CPA LLC (via email)  
46669 Valley Center Rd  
Newberry Springs, CA 92365-

Attn: Mike Fischer  
(carlsfischer@hotmail.com;  
fischer@fischercompanies.com)  
Fischer Revocable Living Trust (via email)  
1372 West 26th St.  
San Bernardino, CA 92405-3029

Attn: Paul Johnson  
Fisher Trust, Jerome R.  
7603 Hazeltine Ave  
Van Nuys, CA 91405-1423

Attn: Daisy Cruz  
Foothill Estates MHP, LLC  
9454 Wilshire Blvd., Ste. 920  
Beverly Hills, CA 90212-2925

(cfrates@renewablegroup.com)  
Frates, D. Cole (via email)  
113 S La Brea Ave., 3rd Floor  
Los Angeles, CA 90036-2998

Attn: Deborah A. Friend  
Friend, Joseph and Deborah  
P. O. Box 253  
Barstow, CA 92312-0253

Attn: Mark Asay (bettybrock@ironwood.org;  
waltbrock@ironwood.org)  
Fundamental Christian Endeavors, Inc. (via email)  
49191 Cherokee Road  
Newberry Springs, CA 92365

Gabrych, Eugene  
2006 Old Highway 395  
Fallbrook, CA 92028

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Gabrych, Eugene  
2006 Old Highway 395  
Fallbrook, CA 92028-8816

Gaeta, Miguel and Maria  
9366 Joshua Avenue  
Lucerne Valley, CA 92356-8273

Attn: Jay Storer  
Gaeta, Trinidad  
10551 Dallas Avenue  
Lucerne Valley, CA 92356

Garcia, Daniel  
223 Rabbit Trail  
Lake Jackson, TX 77566-3728

Attn: Sang Hwal Kim  
Gardena Mission Church, Inc.  
P. O. Box 304  
Lucerne Valley, CA 92356-0304

Garg, Om P.  
358 Chorus  
Irvine, CA 92618-1414

Attn: Brent Peterson  
Gayjikian, Samuel and Hazel  
34534 Granite Road  
Lucerne Valley, CA 92356-

Attn: Jeffrey Edwards  
(jedwards@fbremediation.com)  
GenOn California South, LP (via email)  
P. O. Box 337  
Daggett, CA 92327-0337

(Nereida.Gonzalez@gswater.com,  
ana.chavez@gswater.com)  
Golden State Water Company (via email)  
160 Via Verde, Ste. 100  
San Dimas, CA 91773-5121

Attn: Nereida Gonzalez  
(ana.chavez@gswater.com,  
Nereida.Gonzalez@gswater.com)  
Golden State Water Company (via email)  
160 Via Verde, Ste. 100  
San Dimas, CA 91773-5121

Attn: Scot Gasper  
Gordon Acres Water Company  
P. O. Box 1035  
Lucerne Valley, CA 92356-1035

Gray, George F. and Betty E.  
975 Bryant  
Calimesa, CA 92320-1301

Attn: Brian E. Bolin  
Green Acres Estates  
P. O. Box 29  
Apple Valley, CA 92307-0001

Attn: Eric Archibek  
Green Hay Packers LLC  
41717 Silver Valley Road  
Newberry Springs, CA 92365-9517

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

Gubler, Hans  
P. O. Box 3100  
Landers, CA 92285

Attn: Tamara J Skoglund  
(TamaraMcKenzie@aol.com)  
Gulbranson, Merlin (via email)  
511 Minnesota Ave W  
Gilbert, MN 55741-

Gutierrez, Jose and Gloria  
24116 Santa Fe  
Hinkley, CA 92347

Attn: Bryan C. Haas and Mary H. Hinkle  
(resrvc4you@aol.com)  
Haas, Bryan C. and Hinkle, Mary H. (via  
email)  
14730 Tigertail Road  
Apple Valley, CA 92307-5249

(hackbarthoffice@gmail.com)  
Hackbarth, Edward E. (via email)  
12221 Poplar Street, Unit #3  
Hesperia, CA, CA 92344-9287

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

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

Hang, Phu Quang  
645 S. Shasta Street  
West Covina, CA 91791-2818

Attn: Donald F. Hanify  
Hanify, Michael D., dba - White Bear Ranch  
PO BOX 1021  
Yermo, CA 92398-1021

Attn: Matt Wood  
(Matthew.wood@martinmarietta.com)  
Hanson Aggregates WRP, Inc. (via email)  
P. O. Box 1115  
Corona, CA 92878-1115

Attn: Mary Jane Hareson  
Hareson, Nicholas and Mary  
1737 Anza Avenue  
Vista, CA 92084-3236

Attn: Kenny Harmsen (harmscow@aol.com)  
Harmsen Family Trust (via email)  
23920 Community Blvd.  
Hinkley, CA 92347-9721

Harter, Joe and Sue  
10902 Swan Lake Road  
Klamath Falls, OR 97603-9676

(harveyl.92356@gmail.com)  
Harvey, Lisa M. (via email)  
P. O. Box 1187  
Lucerne Valley, CA 92356-

Haskins, James J.  
11352 Hesperia Road, #2  
Hesperia, CA 92345-2165

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Hass, Pauline L.  
P. O. Box 273  
Newberry Springs, CA 92365-

Attn: Craig Carlson (kcox@helendalecsd.org;  
ccarlson@helendalecsd.org)  
Helendale Community Services District (via  
email)  
P. O. Box 359  
Helendale, CA 92342-0359

Attn: Joshua Maze  
Helendale School District  
P. O. Box 249  
Helendale, CA 92342-0249

Attn: Jeff Gallistel  
Hendley, Rick and Barbara  
P. O. Box 972  
Yermo, CA 92398-0972

Hensley, Mark P.  
35523 Mountain View Rd  
Hinkley, CA 92347-9613

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

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

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

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

Attn: Carabeth Carter ()  
Hettinga Revocable Trust (via email)  
P. O. Box 455  
Ehrenberg, AZ 84334-0455

Attn: Lisset Sardeson  
Hi Desert Mutual Water Company  
23667 Gazana Street  
Barstow, CA 92311

(leehiett@hotmail.com)  
Hiett, Harry L. (via email)  
P. O. Box 272  
Daggett, CA 92327-0272

Attn: Robert W. Bowcock  
High Desert Associates, Inc.  
405 North Indian Hill Blvd.  
Claremont, CA 91711-4614

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

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

Attn: Frank Hilarides  
Hilarides 1998 Revocable Family Trust  
37404 Harvard Road  
Newberry Springs, CA 92365

Attn: Katherine Hill (Khill9@comcast.net)  
Hill Family Trust and Hill's Ranch, Inc. (via  
email)  
84 Dewey Street  
Ashland, OR 97520-

Attn: Anne Roark  
Hitchin Lucerne, Inc.  
P. O. Box 749  
Lucerne Valley, CA 92356-0749

Ho, Ting-Seng and Ah-Git  
P.O. Box 20001  
Bakersfield, CA 93390-0001

Attn: Joan Rohrer  
Hollister, Robert H. and Ruth M.  
22832 Buendia  
Mission Viejo, CA 92691-

Attn: Jeffrey R Holway and Patricia Gage  
(patricia.gage@yahoo.com)  
Holway Jeffrey R and Patricia Gage (via  
email)  
1401 Wewatta St. #1105  
Denver, CO 80202-1348

Holway, Jeffrey R  
1401 Wewatta St. #1105  
Denver, CO 80202-1348

Attn: Katherine K. Hsu  
Holy Heavenly Lake, LLC  
1261 S. Lincoln Ave.  
Monterey Park, CA 91755-5017

Attn: Paul Hong  
Hong, Paul B. and May  
P. O. Box #1432  
Covina, CA 91722-0432

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

Attn: Barry Horton  
Horton Family Trust  
47716 Fairview Road  
Newberry Springs, CA 92365-9258

Attn: Ester Hubbard  
Hubbard, Ester and Mizuno, Arlean  
47722 Kiloran St.  
Newberry Springs, CA 92365-9529

Attn: Paul Johnson  
Huerta, Hector  
25684 Community Blvd  
Barstow, CA 92311-

(hconnie630@gmail.com)  
Hunt, Connie (via email)  
39392 Burnside Loop  
Astoria, OR 97103-8248

Attn: Ralph Hunt  
Hunt, Ralph M. and Lillian F.  
P. O. Box 603  
Yermo, CA 92398-0603

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Attn: Daniel and Karen Gray  
(calivolunteer@verizon.net)  
Hyatt, James and Brenda (via email)  
31726 Fremont Road  
Newberry Springs, CA 92365

(econorx@yahoo.com)  
Im, Nicholas Nak-Kyun (via email)  
23329 Almarosa Ave.  
Torrance, CA 90505-3121

Irvin, Bertrand W.  
3224 West 111th Street  
Inglewood, CA 90303-

Attn: James Jackson Jr.  
Jackson, James N. Jr Revocable Living Trust  
1245 S. Arlington Avenue  
Los Angeles, CA 90019-3517

Attn: Lawrence Dean  
Jackson, Ray Revocable Trust No. 45801  
P.O. Box 8250  
Redlands, CA 92375-1450

Attn: Audrey Goller  
(audrey.goller@newportpacific.com)  
Jamboree Housing Corporation (via email)  
15940 Stoddard Wells Rd - Office  
Victorville, CA 92395-2800

Attn: Gary A. Ledford  
(gleddream@gmail.com)  
Jess Ranch Water Company (via email)  
906 Old Ranch Road  
Florissant, CO 80816-

Attn: Cynthia Mahoney  
(cyndisue87@yahoo.com)  
Johnson, Carlean F. Trust Dated 10/29/2004  
(via email)  
8626 Deep Creek Road  
Apple Valley, CA 92308-8769

Attn: Paul Johnson  
(johnsonfarming@gmail.com)  
Johnson, Paul - Industrial (via email)  
10456 Deep Creek Road  
Apple Valley, CA 92308-8330

Johnson, Ronald  
1156 Clovis Circle  
Dammerton Valley, UT 84783-5211

Attn: Lawrence W. Johnston  
Johnston, Harriet and Johnston, Lawrence W.  
P. O. Box 401472  
Hesperia, CA 92340-1472

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

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

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

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

Attn: Ash Karimi  
Karimi, Hooshang  
1254 Holmby Ave  
Los Angeles, CA 90024-

Attn: Robert R. Kasner  
(Robertkasner@aol.com)  
Kasner Family Limited Partnership (via email)  
11584 East End Avenue  
Chino, CA 91710-

(Robertkasner@aol.com)  
Kasner, Robert (via email)  
11584 East End Avenue  
Chino, CA 91710-1555

Attn: Martin A and Mercedes Katcher  
Katcher, August M. and Marceline  
12928 Hyperion Lane  
Apple Valley, CA 92308-4565

Kemp, Robert and Rose  
48441 National Trails Highway  
Newberry Springs, CA 92365

Attn: Peggy Shaughnessy  
Kemper Campbell Ranch  
10 Kemper Campbell Ranch Road - Office  
Victorville, CA 92395-3357

Kim, Jin S. and Hyun H.  
6205 E Garnet Circle  
Anaheim, CA 92807-4857

Attn: Alan and Annette De Jong  
Kim, Joon Ho and Mal Boon Revocable Trust  
46561 Fairview Road  
Newberry Springs, CA 92365-9230

(juskim67@yahoo.com)  
Kim, Ju Sang (via email)  
1225 Crestview Dr  
Fullerton, CA 92833-2206

Kim, Seon Ja  
34981 Piute Road  
Newberry Springs, CA 92365-9548

Attn: Richard Koering  
Koering, Richard and Koering, Donna  
40909 Mountain View Road  
Newberry Springs, CA 92365-9414

Attn: Catherine Cerri  
(ccerri@lakearrowheadcsd.com)  
Lake Arrowhead Community Services District  
(via email)  
P. O. Box 700  
Lake Arrowhead, CA 92352-0700



## Mojave Basin Area Watermaster Service List as of September 18, 2024

Attn: Claire Cabrey  
(HandleWithClaire@aol.com;  
mjaynes@mac.com)  
Lake Jodie Property Owners Association (via  
email)  
8581 Santa Monica Blvd., #18  
West Hollywood, CA 90069-4120

(PhillipLam99@Yahoo.com)  
Lam, Phillip (via email)  
864 Sapphire Court  
Pomona, CA 91766-5171

Attn: Robert Lawrence Jr.  
Lawrence, William W.  
P. O. Box 98  
Newberry Springs, CA 92365

Lee, Doo Hwan  
P. O. Box 556  
Lucerne Valley, CA 92356-0556

Attn: Virginia Janovsky  
(virginiajanovsky@yahoo.com)  
Lem, Hoy (via email)  
17241 Bullock St.  
Encino, CA 91316-1473

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

Attn: Manshan Gan  
Lo, et al.  
5535 N Muscatel Ave  
San Gabriel, CA 91776-1724

(lowgo.dean@gmail.com)  
Low, Dean (via email)  
3 Panther Creek Ct.  
Henderson, NV 89052-

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

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

(jlanglej@kurschgroup.com)  
Langley, James (via email)  
12277 Apple Valley Road, Ste. #120  
Apple Valley, CA 92308-1701

Lawson, Ernest and Barbara  
20277 Rock Springs Road  
Apple Valley, CA 92308-8740

Attn: Sepoong & Woo Poong Lee  
Lee, et al., Sepoong and Woo Poong  
#6 Ensueno East  
Irvine, CA 92620-

Lenhart, Ronald and Toni  
4474 W. Cheyenne Drive  
Eloy, AZ 85131-3410

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

Attn: Neal Davies (ndavies@terra-gen.com;  
dkelly@terra-gen.com)  
Lockhart Land Holding, LLC (via email)  
43880 Harper Lake Road  
Hinkley, CA 92347-

Lua, Michael T. and Donna S.  
18838 Aldridge Place  
Rowland Heights, CA 91748-4890

Attn: Marian Walent  
(LVVMC677@gmail.com)  
Lucerne Vista Mutual Water Company (via  
email)  
P. O. Box 677  
Lucerne Valley, CA 92356-0677

Attn: c/o J.C. UPMC, Inc. Lori Rodgers  
(ljm9252@aol.com;  
timrohmbuilding@gmail.com)  
Lake Wainani Owners Association (via email)  
2812 Walnut Avenue, Suite A  
Tustin, CA 92780-7053

Attn: Vanessa Laosy  
Lavanh, et al.  
18203 Yucca St.  
Hesperia, CA 92345-

Attn: Anna K. Lee (aklee219@gmail.com)  
Lee, Anna K. and Eshban K. (via email)  
10979 Satsuma St  
Loma Linda, CA 92354-6113

Lee, Vin Jang T.  
42727 Holcomb Trl  
Newberry Springs, CA 92365

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

Attn: James Lin  
Lin, Kuan Jung and Chung, Der-Bing  
2026 Turnbull Canyon  
Hacienda Heights, CA 91745-

Attn: Patricia Miranda  
Lopez, Baltazar  
12318 Post Office Rd  
Lucerne Valley, CA 92356-

Attn: Gwen L. Bedics  
Lucerne Valley Mutual Water Company  
P. O. Box 1311  
Lucerne Valley, CA 92356

Attn: Eugene R. & Vickie R. Bird  
M Bird Construction  
1613 State Street, Ste. 10  
Barstow, CA 92311-4162

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Attn: Maria Martinez  
M.B. Landscaping and Nursery, Inc.  
6831 Lime Avenue  
Long Beach, CA 90805-1423

Attn: Robert Saidi  
Mahjoubi, Afsar S.  
46622 Fairview Road  
Newberry Springs, CA 92365

Attn: Jimmy Berry  
Manning, Sharon S.  
19332 Balan Road  
Rowland Heights, CA 91748-4017

Attn: Allen Marcroft  
Marcroft, James A. and Joan  
P. O. Box 519  
Newberry Springs, CA 92365

Attn: James M. Hansen, Jr. (gm@mrcwd.org;  
gmmrcwd@gmail.com)  
Mariana Ranchos County Water District (via  
email)  
9600 Manzanita Street  
Apple Valley, CA 92308-8605

Marshall, Charles  
32455 Lakeview Road  
Newberry Springs, CA 92365-9482

Martin, Michael D. and Arlene D.  
32942 Paseo Mira Flores  
San Juan Capistrano, CA 92675

Attn: Rod Sexton  
McCollum, Charles L.  
15074 Spruce St  
Hesperia, CA 92345-2950

McKinney, Paula  
144 East 72nd  
Tacoma, WA 98404-1060

Attn: Olivia L. Mead  
Mead Family Trust  
31314 Clay River Road  
Barstow, CA 92311-2057

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

Attn: Donna Miller  
Miller Living Trust  
6124 Parsonage Circle  
Milton, FL 32570-8930

Attn: Freddy Garmo (freddy@garmolaw.com)  
Minn15 LLC (via email)  
5464 Grossmont Center Drive, #300  
La Mesa, CA 91942-3035

Attn: David Riddle  
(driddle@mitsubishicement.com)  
Mitsubishi Cement Corporation (via email)  
5808 State Highway 18  
Lucerne Valley, CA 92356-8179

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

Attn: Thomas A. Hrubik (tahgolf@aol.com)  
MLH, LLC (via email)  
P. O. Box 2611  
Apple Valley, CA 92307-0049

Attn: Sarah Bliss  
Mojave Desert Land Trust  
60124 29 Palms Highway  
Joshua Tree, CA 92252-4130

Attn: Mahnaz Ghamati  
(mahnaz.ghamati@atlantica.com)  
Mojave Solar, LLC (via email)  
42134 Harper Lake Road  
Hinkley, CA 92347-9305

Attn: Doug Kerns  
(aanabtawi@mojavewater.org)  
Mojave Water Agency (via email)  
13846 Conference Center Drive  
Apple Valley, CA 92307-4377

Attn: Doug Kerns  
(tmccarthy@mojavewater.org)  
Mojave Water Agency (via email)  
13846 Conference Center Drive  
Apple Valley, CA 92307-4377

Attn: Manoucher Sarbaz  
Monaco Investment Company  
9903 Santa Monica Blvd., PMB #541  
Beverly Hills, CA 90212-1671

Attn: Ken Elliot (Billie@ElliotPlace.com)  
Morris Trust, Julia V. (via email)  
7649 Cypress Dr.  
Lanexa, VA 23089-9320

Moss, Lawrence W. and Helen J.  
38338 Old Woman Springs Road Spc# 56  
Lucerne Valley, CA 92356-8116

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

Attn: Dennis Hills  
Mulligan, Robert and Inez  
35575 Jakobi Street  
Saint Helens, OR 97051-1194

Murphy, Jean  
46126 Old National Trails Highway  
Newberry Springs, CA 92365-9025

(z.music5909@gmail.com;  
zajomusic@gmail.com)  
Music, Zajo (via email)  
43830 Cottonwood Rd  
Newberry Springs, CA 92365-8510

Attn: James Hansen  
(gm@marianaranchoswd.org)  
Navajo Mutual Water Company (via email)  
21724 Hercules St.  
Apple Valley, CA 92308-8490

Attn: Billy Liang (flossdaily@hotmail.com;  
asaliking@yahoo.com)  
New Springs Limited Partnership (via email)  
4192 Biscayne St.  
Chino, CA 91710-3196

Attn: Jodi Howard  
Newberry Community Services District  
P. O. Box 220  
Newberry Springs, CA 92365-0220

## Mojave Basin Area Watermaster Service List as of September 18, 2024

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

Attn: Mary Ann Norris  
Norris Trust, Mary Ann  
29611 Exeter Street  
Lucerne Valley, CA 92356-8261

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

Núñez, Luis Segundo  
9154 Golden Seal Court  
Hesperia, CA 92345-0197

Attn: Pearl or Gail Nunn  
Nunn Family Trust  
P. O. Box 545  
Apple Valley, CA 92307-0010

Attn: Jeff Gaastra (jeffgaastra@gmail.com;  
andy@seesmachine.com;  
bbswift4044@cox.net)  
O. F. D. L., Inc. (via email)  
32935 Dune Road, #10  
Newberry Springs, CA 92365-9175

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

Attn: Kody Tompkins  
(ktompkins@barstowca.org)  
Odessa Water District (via email)  
220 E. Mountain View Street, Suite A  
Barstow, CA 92311-2888

Attn: Dorothy Ohai  
Ohai, Reynolds and Dorothy  
13450 Monte Vista  
Chino, CA 91710-5149

Attn: Craig Maetzold  
(craig.maetzold@omya.com)  
Omya California, Inc. (via email)  
7225 Crystal Creek Rd  
Lucerne Valley, CA 92356-8646

Attn: John P. Oostdam  
Oostdam Family Trust, John P. and Margie K.  
24953 Three Springs Road  
Hemet, CA 92545-2246

Attn: Nick Higgs  
Oro Grande School District  
P. O. Box 386  
Oro Grande, CA 92368-0386

Attn: Taghi Shoraka  
P and H Engineering and Development  
Corporation  
1423 South Beverly Glen Blvd. Apt. A  
Los Angeles, CA 90024-6171

Attn: Jessica Bails (J4Dx@pge.com)  
Pacific Gas and Electric Company (via email)  
22999 Community Blvd.  
Hinkley, CA 92347-9592

Pak, Kae Soo and Myong Hui Kang  
P. O. Box 1835  
Lucerne Valley, CA 92356-1835

Patino, José  
3914 W. 105th Street  
Inglewood, CA 90303-1815

(wndrvr@aol.com)  
Paustell, Joan Beinschroth (via email)  
10275 Mockingbird Ave.  
Apple Valley, CA 92308-8303

Pearce, Craig L.  
127 Columbus Dr  
Punxsutawney, PA 15767-1270

Perko, Bert K.  
P. O. Box 762  
Yermo, CA 92398-0762

Pettigrew, Dan  
285 N Old Hill Road  
Fallbrook, CA 92028-2571

Attn: Sean Wright (swright@pphcsd.org;  
dbartz@pphcsd.org; llowrance@pphcsd.org)  
Phelan Piñon Hills Community Services  
District (via email)  
4176 Warbler Road  
Phelan, CA 92371-8819

Attn: John Poland  
Poland, John R. and Kathleen A.  
5511 Tenderfoot Drive  
Fontana, CA 92336-1156

Polich, Donna  
75 3rd Avenue #4  
Chula Vista, CA 91910-1714

Porter, Timothy M.  
34673 Little Dirt Road  
Newberry Springs, CA 92365-9646

Attn: Carin McKay  
Precision Investments Services, LLC  
791 Price Street, #160  
Pismo Beach, CA 93449-2529

Price, Donald and Ruth  
933 E. Virginia Way  
Barstow, CA 92311-4027

Pruett, Andrea  
P. O. Box 37  
Newberry Springs, CA 92365

(s\_quakenbush@yahoo.com)  
Quakenbush, Samuel R. (via email)  
236 Iris Drive  
Martinsburg, WV 25404-1338

Attn: Ron Herrmann  
Quiros, Fransisco J. and Herrmann, Ronald  
35969 Newberry Rd  
Newberry Springs, CA 92365-9438

Attn: Elizabeth Murena  
(waterboy7F8@msn.com; etminav@aol.com)  
Rancheritos Mutual Water Company (via  
email)  
P. O. Box 348  
Apple Valley, CA 92307

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Reed, Mike  
9864 Donaldson Road  
Lucerne Valley, CA 92356-8105

Attn: Brian C. Vail (bvail@river-west.com)  
Reido Farms, LLC (via email)  
2410 Fair Oaks Blvd., Suite 110  
Sacramento, CA 95825-7666

(LucerneJujubeFarm@hotmail.com)  
Rhee, Andrew N. (via email)  
11717 Fairlane Rd, #989  
Lucerne Valley, CA 92356-8829

Attn: Kelly Rice  
Rice, Henry C. and Diana  
31823 Fort Cady Rd.  
Newberry Springs, CA 92365-

Attn: Ian Bryant  
Rim Properties, A General Partnership  
15434 Sequoia Road  
Hesperia, CA 92345-1667

Attn: Josie Rios  
Rios, Mariano V.  
P. O. Box 1864  
Barstow, CA 92312-1864

Rivero, Fidel V.  
612 Wellesley Drive  
Corona, CA 92879-0825

(RayRizvi@Yahoo.com)  
Rizvi, S.R Ali (via email)  
4054 Allyson Terrace  
Freemont, CA 94538-4186

Attn: Bill Taylor or Property Mngr  
(billt@rrmca.com)  
Robertson's Ready Mix (via email)  
200 S. Main Street, Suite 200  
Corona, CA 92882-2212

Attn: Susan Sommers (sommerssqz@aol.com)  
Rossi Family Trust, James Lawrence Rossi  
and Naomi (via email)  
P. O. Box 120  
Templeton, CA 93465-0120

Attn: Robert Vega  
Royal Way  
2632 Wilshire Blvd., #480  
Santa Monica, CA 90403-4623

Attn: Sam Marich  
Rue Ranch, Inc.  
P. O. Box 3109  
Big Bear Lake, CA 92315-8915

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

Attn: Sherwin Shoraka  
S and B Brothers, LLC  
1423 S. Beverly Glen Blvd., Ste. A  
Los Angeles, CA 90024-6171

Attn: Jafar Rashid  
(jr123realestate@gmail.com)  
S and E 786 Enterprises, LLC (via email)  
3300 S. La Cienega Blvd.  
Los Angeles, CA 90016-3115

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

Attn: Kanoe Barker  
(kanoebarker@yahoo.com)  
Sagabean-Barker, Kanoelokolani L. (via  
email)  
42224 Valley Center Rd  
Newberry Springs, CA 92365

(BILLU711@Yahoo.com)  
Samra, Jagtar S. (via email)  
10415 Edgebrook Way  
Northridge, CA 91326-3952

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

Attn: Jared Beyeler  
(waterquality@sdd.sbcounty.gov)  
San Bernardino County - High Desert  
Detention Center (via email)  
222 W. Hospitality Lane, 2nd Floor - SDW  
San Bernardino, CA 92415-0415

Attn: Trevor Leja  
(trevor.leja@sdd.sbcounty.gov)  
San Bernardino County Service Area 29 (via  
email)  
222 W. Hospitality Lane, 2nd Floor (Spec  
San Bernardino, CA 92415-0450

Attn: Jared Beyeler  
(ssamaras@sdd.sbcounty.gov;  
jbeyeler@sdd.sbcounty.gov;  
waterquality@sdd.sbcounty.gov)  
San Bernardino County Service Area 42 (via  
email)  
222 W. Hospitality Lane, 2nd Floor - SDW  
San Bernardino, CA 92415-0450

Attn: Jared Beyeler  
(ssamaras@sdd.sbcounty.gov;  
jbeyeler@sdd.sbcounty.gov;  
waterquality@sdd.sbcounty.gov)  
San Bernardino County Service Area 64 (via  
email)  
222 W. Hospitality Lane, 2nd Floor - SDW  
San Bernardino, CA 92415-0450

Attn: Jared Beyeler  
(ssamaras@sdd.sbcounty.gov;  
jbeyeler@sdd.sbcounty.gov;  
waterquality@sdd.sbcounty.gov)  
San Bernardino County Service Area 70J (via  
email)  
222 W. Hospitality Lane, 2nd Floor - SDW  
San Bernardino, CA 92415-0450

Attn: Michelle Scray (mcsgray@gmail.com)  
Scray, Michelle A. Trust (via email)  
16869 State Highway 173  
Hesperia, CA 92345-9381

Attn: Rod Sexton  
Sexton, Rodney A. and Sexton, Derek R.  
P.O. Box 155  
Rim Forest, CA 92378-

Attn: Joseph Tapia  
Sheep Creek Water Company  
P. O. Box 291820  
Phelan, CA 92329-1820

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Sheng, Jen  
5349 S Sir Richard Dr  
Las Vegas, NV 89110-0100

(gloriasheppard14@gmail.com)  
Sheppard, Thomas and Gloria (via email)  
33571 Fremont Road  
Newberry Springs, CA 92365-9520

Short, Jerome E.  
P. O. Box 1104  
Barstow, CA 92312-1104

Attn: Carlos Banuelos  
(maint@silverlakesassociation.com;  
fibarra@silverlakesassociation.com)  
Silver Lakes Association (via email)  
P. O. Box 179  
Helendale, CA 92342-0179

Attn: Nepal Singh (NepalSingh@yahoo.com)  
Singh, et al. (via email)  
4972 Yearling Avenue  
Irvine, CA 92604-2956

Attn: Denise Smith  
Smith, Denise dba Amerequine Beauty, Inc  
P. O. Box 188  
Newberry Springs, CA 92365-0188

Smith, Porter and Anita  
8443 Torrell Way  
San Diego, CA 92126-1254

Attn: Steve Kim (stevekim1026@gmail.com)  
Snowball Development, Inc. (via email)  
P. O. Box 2926  
Victorville, CA 92393-2926

Attn: Chan Kyun Son  
Son's Ranch  
P. O. Box 1767  
Lucerne Valley, CA 92356

Attn: Erika Clement  
(Shannon.Oldenburger@SCE.com;  
erika.clement@sce.com)  
Southern California Edison Company (via  
email)  
2 Innovation Way, 2nd Floor  
Pomona, CA 91768-2560

Attn: Maria de Lara Cruz  
(maria.delaracruz@mineralstech.com)  
Specialty Minerals, Inc. (via email)  
P. O. Box 558  
Lucerne Valley, CA 92356-0558

Sperry, Wesley  
P. O. Box 303  
Newberry Springs, CA 92365-0303

Spillman, James R. and Nancy J.  
12132 Wilshire  
Lucerne Valley, CA 92356-8834

Attn: Eric Miller (emiller@svla.com;  
alogan@svla.com;)  
Spring Valley Lake Association (via email)  
SVL Box 7001  
Victorville, CA 92395-5107

Attn: Joe Trombino  
Spring Valley Lake Country Club  
7070 SVL Box  
Victorville, CA 92395-5152

Attn: Father Sarapamon  
St. Antony Coptic Orthodox Monastery  
P. O. Box 100  
Barstow, CA 92311-0100

(chiefgs@verizon.net)  
Starke, George A. and Jayne E. (via email)  
8743 Vivero Street  
Rancho Cucamonga, CA 91730-1152

Storm, Randall  
51432 130th Street  
Byars, OK 74831-7357

Sudmeier, Glenn W.  
14253 Highway 138  
Hesperia, CA 92345-9422

Attn: Alexandra Lioanag  
(sandra@halannagroup.com)  
Summit Valley Ranch, LLC (via email)  
220 Montgomery Street, Suite PH-10  
San Francisco, CA 94104-3433

Attn: Alex Vienna  
Sundown Lakes, Inc.  
P. O. Box 364  
Newberry Springs, CA 92365-0364

Attn: Stephen H. Douglas  
(sdouglas@centaurusenergy.com;  
mdoublesin@centcap.net;  
cre.notices@clenera.com)  
Sunray Land Company, LLC (via email)  
1717 West Loop South, Suite 1800  
Houston, TX 77027-3049

Attn: Venny Vasquez (lbaroldi@synagro.com)  
Synagro-WWT, Inc. (dba Nursury Products,  
LLC) (via email)  
P. O. Box 1439  
Helendale, CA 92342-

Attn: Russell Szykowski  
Szykowski, Ruth J.  
46750 Riverside Rd.  
Newberry Springs, CA 92365-9738

Attn: Bill and Elizabeth Tallakson  
(billtallakson@sbcglobal.net)  
Tallakson Family Revocable Trust (via email)  
11100 Alto Drive  
Oak View, CA 93022-9535

Tapie, Raymond L.  
73270 Desert Greens Dr N  
Palm Desert, CA 92260-1206

Taylor, Sharon L.  
14141 State Hwy 138  
Hesperia, CA 92345-9339

## Mojave Basin Area Watermaster Service List as of September 18, 2024

(jerryteisan@gmail.com)  
Teisan, Jerry (via email)  
P. O. Box 2089  
Befair, WA 98528-2089

Attn: Daryl or Lucinda Lazenby  
Thayer, Sharon  
P. O. Box 845  
Luceren Valley, CA 92356-

Attn: Stephen Thomas  
Thomas, Stephen and Lori  
4890 Topanga Canyon Bl.  
Woodland Hills, CA 91364-4229

Attn: Lynnette L. Thompson  
Thompson Living Trust, James A. and Sula B.  
22815 Del Oro Road  
Apple Valley, CA 92308

Attn: Rodger Thompson  
Thompson Living Trust, R.L. and R.A.  
9141 Deep Creek Road  
Apple Valley, CA 92308-8351

Thrasher, Gary  
14024 Sunflower Lane  
Oro Grande, CA 92368-9617

Attn: Doug Heinrichs  
Thunderbird County Water District  
P. O. Box 1105  
Apple Valley, CA 92307-1105

Attn: Jim Hoover  
Triple H Partnership  
35870 Fir Ave  
Yucaipa, CA 92399-9635

Attn: Mike Troeger (mjtroeger@yahoo.com)  
Troeger Family Trust, Richard H. (via email)  
P. O. Box 24  
Wrightwood, CA 92397

Turner, Terry  
726 Arthur Lane  
Santa Maria, CA, CA 93455-7403

Attn: Aurelio Ibarra (aibarra@up.com;  
powen@up.com)  
Union Pacific Railroad Company (via email)  
HC1 Box 33  
Kelso, CA 92309-

(druppal@aicdent.com)  
Uppal, Gagan (via email)  
220 S Owens Drive  
Anaheim, CA 92808-1327

(gagevaage23@gmail.com)  
Vaage, Gage V. (via email)  
47150 Black Butte Road  
Newberry Springs, CA 92365-9698

Vaca, Andy and Teresita S.  
5550 Avenue Juan Bautista  
Riverside, CA 92509-5613

Attn: Dean Van Bastelaar  
Van Bastelaar, Alphonse  
45475 Martin Road  
Newberry Springs, CA 92365-9625

Attn: Glen and Jennifer Van Dam  
(gvandam@verizon.net)  
Van Dam Family Trust, Glen and Jennifer  
(via email)  
3190 Cottonwood Avenue  
San Jacinto, CA 92582-4741

Attn: Jacob Bootsma  
Van Leeuwen Trust, John A. and Ietie  
44128 Silver Valley Road  
Newberry Springs, CA 92365-9588

Attn: John Driscoll  
Vernola Trust, Pat and Mary Ann  
P. O. Box 2190  
Temecula, CA 92593-2190

Attn: John Nahlen  
Victor Valley Community College District  
18422 Bear Valley Road, Bldg 10  
Victorville, CA 92395-5850

Attn: Jade Kiphen  
Victor Valley Memorial Park  
17150 C Street  
Victorville, CA 92395-3330

Attn: Arnold Villarreal  
(avillarreal@victorvilleca.gov;  
ccun@victorvilleca.gov)  
Victorville Water District, ID#1 (via email)  
P. O. Box 5001  
Victorville, CA 92393-5001

Attn: Arnold Villarreal  
(avillarreal@victorvilleca.gov;  
kmetzler@victorvilleca.gov;  
snawaz@victorvilleca.gov)  
Victorville Water District, ID#1 (via email)  
P. O. Box 5001  
Victorville, CA 92393-5001

Attn: Arnold Villarreal  
(sashton@victorvilleca.gov;  
avillarreal@victorvilleca.gov;  
dmathews@victorvilleca.gov)  
Victorville Water District, ID#2 (via email)  
PO Box 5001  
Victorville, CA 92393-5001

Vogler, Albert H.  
17612 Danbury Ave.  
Hesperia, CA 92345-7073

Attn: Joan Wagner  
Wagner Living Trust  
22530 Calvert Street  
Woodland Hills, CA 91367-1704

Attn: Christian Joseph Wakula  
Wakula Family Trust  
11741 Ardis Drive  
Garden Grove, CA 92841-2423

(Jlow3367@gmail.com)  
Wang, Steven (via email)  
2551 Paljay Avenue  
Rosemead, CA 91770-3204

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Ward, Raymond  
P. O. Box 358  
Newberry Springs, CA 92365-0358

Weems, Lizzie  
9157 Veranda Court  
Las Vegas, NV 89149-0480

Weeraisinghe, Maithri N.  
P. O. Box 487  
Barstow, CA 92312-0487

(andrewwerner11@gmail.com)  
Werner, Andrew J. (via email)  
1718 N Sierra Bonita Ave  
Los Angeles, CA 90046-2231

Attn: James Woody  
West End Mutual Water Company  
P. O. Box 1732  
Lucerne Valley, CA 92356

West, Howard and Suzy  
9185 Loma Vista Road  
Apple Valley, CA 92308-0557

West, Jimmie E.  
P. O. Box 98  
Oro Grande, CA 92368-0098

Attn: Nick Gatti ()  
Western Development and Storage, LLC (via email)  
5701 Truxtun Avenue, Ste. 201  
Bakersfield, CA 93309-0402

Attn: Chung Cho Gong  
Western Horizon Associates, Inc.  
P. O. Box 397  
Five Points, CA 93624-0397

Attn: Genaro Zapata  
Westland Industries, Inc.  
520 W. Willow St.  
Long Beach, CA 90806-2800

Attn: Thomas G. Ferruzzo  
(tferruzzo@ferruzzo.com)  
Wet Set, Inc. (via email)  
44505 Silver Valley Road, Lot #05  
Newberry Springs, CA 92365-9565

Wiener, Melvin and Mariam S.  
1626 N. Wilcox Avenue  
Los Angeles, CA 90028-6234

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

Attn: Connie Tapie  
(praisethelord77777@yahoo.com)  
Withey, Connie (via email)  
P. O. Box 3513  
Victorville, CA 92393-3513

Witte, E. Daniel and Marcia  
31911 Martino Drive  
Daggett, CA 92327-9752

Attn: Mark J. Cluff  
WLSR, Inc.  
3507 N 307th Drive  
Buckeye, AZ 85396-6746

Attn: David A. Worsey  
Worsey, Joseph A. and Revae  
P. O. Box 422  
Newberry Springs, CA 92365-0422

(thechelseaco@yahoo.com)  
Yang, Zilan (via email)  
428 S. Atlantic Blvd #205  
Monterey Park, CA 91754-3228

Attn: Christine M. Carson, Esq.  
(ccarson@awattorneys.com)  
Aleshire & Wynder, LLP (via email)  
3880 Lemon Street  
Suite 520  
Riverside, CA 92501-

Attn: Robert Hensley, Esq.  
(rhensley@awattorneys.com)  
Aleshire & Wynder, LLP (via email)  
3880 Lemon Street  
Suite 520  
Riverside, CA 92501-

Attn: Pam Lee, Esq. (plee@awattorneys.com)  
Aleshire & Wynder, LLP (via email)  
3880 Lemon Street  
Suite 520  
Riverside, CA 92501-

Attn: Alison Paap (apaap@agloan.com)  
American AgCredit (via email)  
42429 Winchester Road  
Temecula, CA 92590-2504

Attn: Wesley A. Miliband, Esq.  
(wes.miliband@aalrr.com)  
Atkinson, Andelson, Loya, Ruud & Romo  
(via email)  
2151 River Plaza Drive  
Suite 300  
Sacramento, CA 95833-

Attn: W.W. Miller, Esq. (bmiller@aalrr.com)  
Atkinson, Andelson, Loya-Ruud & Romo (via email)  
3612 Mission Inn Avenue, Upper Level  
Riverside, CA 92501

Attn: Christopher L. Campbell, Esq.  
Baker, Manock & Jensen  
5260 N. Palm Avenue, 4th Floor  
Fresno, CA 93704-2209

Attn: Aloson Toivola, Esq.  
(alison.toivola@bbkllaw.com)  
Best, Best & Krieger LLP (via email)  
300 South Grand Avenue  
25th Floor  
Los Angeles, CA 90071

Attn: Eric L. Garner, Esq.  
(eric.garner@bbkllaw.com)  
Best, Best & Krieger LLP (via email)  
3750 University Avenue  
3rd Floor  
Riverside, CA 92502-1028

## Mojave Basin Area Watermaster Service List as of September 18, 2024

Attn: Piero C. Dallarda, Esq.  
(piero.dallarda@bbklaw.com)  
Best, Best & Krieger LLP (via email)  
P.O. Box 1028  
Riverside, CA 92502-

Attn: Christopher Pisano, Esq.  
(christopher.pisano@bbklaw.com)  
Best, Best & Krieger LLP (via email)  
300 South Grand Avenue  
25th Floor  
Los Angeles, CA 90071

Attn: Stephanie Osler Hastings, Esq.  
(SHastings@bhfs.com; mcarlson@bhfs.com)  
Brownstein Hyatt Farber Schreck, LLP (via email)  
1021 Anacapa Street, 2nd Floor  
Santa Barbara, CA 93101-2102

Attn: William J. Brunick, Esq.  
(wbrunick@bmklawplc.com)  
Brunick, McElhaney & Kennedy PLC (via email)  
1839 Commercenter West  
P.O. Box 13130  
San Bernardino, CA 92423-3130

Attn: Terry Caldwell, Esq.  
Caldwell & Kennedy  
15476 West Sand Street  
Victorville, CA 92392

Attn: Stephen Puccini  
(stephen.puccini@wildlife.ca.gov)  
California Department of Fish and Wildlife  
(via email)

Attn: Alexander Devorkin, Esq.  
California Department of Transportation  
100 South Main Street, Suite 1300  
Los Angeles, CA 90012-3702

Attn: Nancy McDonough  
California Farm Bureau Federation  
2300 River Plaza Drive  
Sacramento, CA 95833

Attn: Jeffery L. Caufield, Esq.  
(Jeff@caufieldjames.com)  
Caufield & James, LLP (via email)  
2851 Camino Del Rio South, Suite 410  
San Diego, CA 92108-

Attn: Andrew L. Jared, Esq.  
(ajared@chwlaw.us)  
Colantuono, Highsmith & Whatley, PC (via email)  
790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101-2109

Attn: Matthew T. Summers, Esq.  
(msummers@chwlaw.us)  
Colantuono, Highsmith & Whatley, PC (via email)  
790 E. Colorado Blvd., Suite 850  
Pasadena, CA 91101-2109

Attn: Maria Insixiengmay  
(Maria.Insxiengmay@cc.sbcounty.gov)  
County of San Bernardino, County Counsel  
(via email)  
385 N. Arrowhead Avenue, 4th Floor  
San Bernardino, CA 92415-0140

Attn: Robert E. Dougherty, Esq.  
Covington & Crowe  
1131 West 6th Street  
Suite 300  
Ontario, CA 91762

Attn: Ed Dygert, Esq.  
Cox, Castle & Nicholson  
3121 Michelson Drive, Ste. 200  
Irvine, CA 92612-

Attn: Noah GoldenKrasner, Dep  
(Noah.GoldenKrasner@doj.ca.gov)  
Department of Justice (via email)  
300 S. Spring Street, Suite 1700  
Los Angeles, CA 90013

Attn: Marilyn Levin, Dep  
(Marilyn.Levin@doj.ca.gov)  
Department of Justice (via email)  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013

Attn: Diana Carloni, Esq.  
(diana@carlonilaw.com)  
Diana J. Carloni (via email)  
21001 N. Tatum Blvd.  
Suite 1630-455  
Phoenix, AZ 85050-

Attn: James S. Heiser, Esq.  
Ducommun, Inc.  
23301 S. Wilmington Avenue  
Carson, CA 90745

Attn: Michele Hinton, Ms.  
(mhinton@fennemorelaw.com)  
Fennemore LLP (via email)  
8080 N Palm Ave, Third Floor  
Fresno, CA 93711-

Attn: Kelly Ridenour, Ms.  
(kridenour@fennemorelaw.com)  
Fennemore LLP (via email)  
550 East Hospitality Lane  
Suite 350  
San Bernardino, CA 92408-4206

Attn: Marlene Allen Murray, Esq.  
(mallenmurray@fennemorelaw.com)  
Fennemore LLP (via email)  
550 East Hospitality Lane  
Suite 350  
San Bernardino, CA 92408-4206

Attn: Derek Hoffman, Esq.  
(dhoffman@fennemorelaw.com)  
Fennemore LLP (via email)  
550 East Hospitality Lane  
Suite 350  
San Bernardino, CA 92408-4206

Attn: Thomas G. Ferruzzo, Esq.  
(tferruzzo@ferruzzo.com)  
Ferruzzo & Ferruzzo, LLP (via email)  
3737 Birch Street, Suite 400  
Newport Beach, CA 92660

Attn: Toby Moore, PhD, PG, CHG  
(TobyMoore@gswater.com)  
Golden State Water Company (via email)  
160 W. Via Verde, Suite 100  
San Dimas, CA 91773-

Attn: Andre de Bortnowsky, Esq.  
(andre@gblawoffices.com)  
Green de Bortnowsky, LLP (via email)  
30077 Agoura Court, Suite 210  
Agoura Hills, CA 91301-2713

Attn: Michelle McCarron, Esq.  
(mmccarron@gdblwoffices.com;  
andre@gdblwoffices.com)  
Green de Bortnowsky, LLP (via email)  
30077 Agoura Court, Suite 210  
Agoura Hills, CA 91301-2713

Attn: Calvin R. House, Esq.  
Gutierrez, Preciado & House  
3020 E. Colorado BLVD  
Pasadena, CA 91107-3840



## Mojave Basin Area Watermaster Service List as of September 18, 2024

Attn: Curtis Ballantyne, Esq.  
Hill, Farrer & Burrill  
300 S. Grand Avenue, 37th Floor  
1 California Plaza  
Los Angeles, CA 90071

Attn: Thomas S. Bunn, Esq.  
(TomBunn@lagerlof.com)  
Lagerlof, Senecal, Gosney & Kruse, LLP (via email)  
301 N. Lake Avenue, 10th Floor  
Pasadena, CA 91101-5123

Attn: Robert C. Hawkins, Esq.  
Law Offices of Robert C. Hawkins  
14 Corporate Plaza, Suite 120  
Newport, CA 92660

Attn: Adnan Anabtawi  
(aanabtawi@mojavewater.org)  
Mojave Water Agency (via email)  
13846 Conference Center Drive  
Apple Valley, CA 92307

Attn: Betsy Brunswick (bmb7@pge.com)  
Pacific Gas and Electric Company (via email)  
77 Beale Street, B28P  
San Francisco, CA 94105-1814

Attn: Todd O. Maiden, Esq.  
(TMaiden@ReedSmith.com)  
Reed Smith LLP (via email)  
101 Second Street  
Suite 1800  
San Francisco, CA 94105-

Attn: Randall R. Morrow, Esq.  
Sempra Energy Law Department  
Office of the General Counsel  
555 West Fifth Street, Suite 1400  
Los Angeles, CA 90013-1011

Attn: Rick Ewaniszyk, Esq.  
The Hegner Law Firm  
14350 Civic Drive  
Suite 270  
Victorville, CA 92392

Attn: Michael Turner, Esq.  
(mturner@kasdandclaw.com)  
Kasdan, LippSmith Weber Turner, LLP (via email)  
19900 MacArthur Blvd., Suite 850  
Irvine, CA 92612-

Attn: Peter J. Kiel, Esq.  
(pkiel@cawaterlaw.com)  
Law Office of Peter Kiel PC (via email)  
PO Box 422  
Petaluma, CA 94953-0422

Attn: Arthur G. Kidman, Esq.  
McCormick, Kidman & Behrens  
695 Town Center Drive, Suite 400  
Costa Mesa, CA 92626-7187

Attn: Frederic A. Fudacz, Esq.  
(ffudacz@nossaman.com)  
Nossaman LLP (via email)  
777 South Figueroa Street, 34th Floor  
Los Angeles, CA 90017-

Attn: Joesfina M. Luna, Esq.  
(fluna@redwineandsherrill.com)  
Redwine and Sherrill (via email)  
3890 Eleventh Street  
Suite 207  
Riverside, CA 92501-

Attn: James L. Markman, Esq.  
Richards, Watson & Gershon  
1 Civic Center Circle  
P.O. Box 1059  
Brea, CA 92822-1059

Attn: Shannon Oldenburg, Esq.  
(shannon.oldenburg@sce.com)  
Southern California Edison Company  
Legal Department (via email)  
P.O. Box 800  
Rosemead, CA 91770

Attn: Agnes Vander Dussen Koetsier  
(beppeauk@aol.com)  
Vander Dussen Trust, Agnes & Edward (via email)  
P.O. Box 5338  
Blue Jay, CA 92317-

Attn: Mitchell Kaufman, Esq.  
(mitch@kmcllp.com)  
Kaufman McAndrew LLP (via email)  
16633 Ventura Blvd., Ste. 500  
Encino, CA 91436-1835

Attn: Fred J. Knez, Esq.  
Law Offices of Fred J. Knez  
6780 Indiana Ave, Ste 150  
Riverside, CA 92506-4253

Attn: Jeffrey D Ruesch  
(watermaster@mojavewater.org)  
Mojave Basin Area Watermaster (via email)  
13846 Conference Center Drive  
Apple Valley, CA 92307

Attn: Kieth Lemieux  
(KLemieux@omlowlaw.com)  
Olivarez Madruga Lemieux O'Neill, LLP (via email)  
500 South Grand Avenue, 12th Floor  
Los Angeles, CA 90071-2609

Attn: Steven B. Abbott, Esq.  
(sabbott@redwineandsherrill.com;  
fluna@redwineandsherrill.com)  
Redwine and Sherrill (via email)  
3890 Eleventh Street  
Suite 207  
Riverside, CA 92501-

Attn: Elizabeth Hanna, Esq.  
Rutan & Tucker  
P.O. Box 1950  
Costa Mesa, CA 92626

Attn: ()  
Southern California Gas Company  
Transmission Environmental Consultant (via email)

Attn: Robert C. Wagner, P.E.  
(rcwagner@wbecorp.com)  
Wagner & Bonsignore  
Consulting Civil Engineers (via email)  
2151 River Plaza Drive, Suite 100  
Sacramento, CA 95833-4133