

1 Peter J. Kiel, SBN 221548  
pkiel@cawaterlaw.com  
2 Vincent O. Goble, SBN 346115  
vgoble@cawaterlaw.com  
3 Law Office of Peter Kiel PC  
4 PO Box 422  
Petaluma, California 94953  
5 Phone: (707) 387-0060

6 Andre de Bortnowsky, Authority Attorney SBN 119676  
andre@gdblawoffices.com  
7 Joan Smyth, Deputy Authority Attorney SBN 118347  
joan@gdblawoffices.com  
8 GREEN DE BORTNOWSKY, LLP  
9 30077 Agoura Court, Suite 210  
Agoura Hills, California 91301  
10 Phone (818) 704-0195 | Fax (818) 704-4729

EXEMPT FROM FILING FEES  
GOV. CODE § 6103

11 Attorneys for Defendant VICTORVILLE WATER DISTRICT, a subsidiary district of the CITY  
12 OF VICTORVILLE (formerly VICTOR VALLEY WATER DISTRICT and BALDY MESA  
13 WATER DISTRICT)

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF RIVERSIDE**

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

JCCP NO. 5265  
Case No. CIV208568

18 MOJAVE BASIN WATER CASES

Assigned for All Purposes to Hon. Harold  
W. Hopp, Department 1

19 CITY OF BARSTOW,  
20 Plaintiff,

21 v.

22 CITY OF ADELANTO, et al.,  
23 Defendants.

**DECLARATION OF PETER LEFFLER  
IN SUPPORT OF VICTORVILLE  
WATER DISTRICT'S AMENDED  
OPPOSITION TO GOLDEN STATE  
WATER COMPANY MOTION TO  
ENFORCE JUDGMENT**

**October 22, 2024  
1:30 p.m.  
Department M302, Menifee Justice  
Center**

24 **AND RELATED CROSS ACTIONS**  
25

Hon. Craig G. Riemer, Judge Presiding by  
Assignment

26  
27  
28 ///

1 I, Peter Leffler, declare:

2 1. I have personal knowledge of the matters stated in this declaration, and, if called, I  
3 would competently testify as follows.

4 2. I am a California registered Professional Geologist (CA No. 6475) and Certified  
5 Hydrogeologist (CA No. 462). I am Senior Principal Hydrogeologist with Luhdorff & Scalmanini  
6 Consulting Engineers (LSCE). I have been employed by LSCE for 10 years and have been  
7 employed in similar capacities by other firms since 1990. I have thirty-five years of professional  
8 experience in groundwater consulting with a focus on groundwater resource development,  
9 management and protection. In terms of adjudicated groundwater basins, I have provided expert  
10 testimony for the Antelope Valley, currently serve as the Basin Engineer reporting to the Court for  
11 the Santa Maria Valley Management Area in Santa Maria Groundwater Basin, and reevaluated the  
12 original Court determined safe yield in Cummings Groundwater Basin. I have provided  
13 groundwater consulting services in well over one dozen additional groundwater basins. My  
14 curriculum vitae is attached. (Exhibit A.)

15 3. LSCE and I were retained by counsel for Victorville Water District (VWD) to  
16 provide hydrologic and hydrogeologic services to VWD regarding the Mojave Basin Area  
17 adjudication and related matters.

18 4. VWD counsel requested that I review and provide opinions on the Declaration of  
19 Anthony Brown in Support of the Golden State Water Company (GSWC) Motion to Enforce  
20 Judgment (Brown Declaration) and Mr. Brown's September 2024 report entitled, Expert Report  
21 of Anthony Brown Hydrologic Conditions and Water Flow Between the Alto Subarea and Centro  
22 Subarea of the Mojave Basin (Brown Report). Paragraphs 4 through 12 contain my observations  
23 regarding the Brown Report. Paragraphs 13 through 17 contain my critique of the Brown  
24 Declaration's summary conclusions.

25 4. I observe that the Brown Report Figures 5-2 to 5-18 show a strong relationship  
26 between GSWC water levels and very wet years with high river flows (WYs 2005, 2011 and 2023).  
27 There is a generally consistent pattern with groundwater elevations increasing significantly in  
28 GSWC wells in response to the wettest years, followed by a gradual decline in groundwater

1 elevations until the next very wet year.

2 5. The Brown Report Figures 5-2 to 5-18 use a misleading 20-year period that starts  
3 right after groundwater elevations in GSWC wells increased dramatically in response to the 2005  
4 wet year. Of the three very wet years that occurred during the 2005 to 2024 period,<sup>1</sup> water year  
5 2005 was considerably wetter than 2011 and 2023. (See Updates for PSY, Consumptive Uses, and  
6 Free Production Allowance Recommendations (FPA) for Water Year 2024-25 (Feb. 2024)  
7 (February 2024 PSY/FPA Tech Memo), Figure 3.) Thus, the starting point for the Brown Report  
8 20-year period is artificially inflated (*i.e.*, has abnormally high groundwater elevations) by  
9 selecting 2005 as the first year of the 20-year sequence. The Brown Report's use of artificially  
10 high groundwater elevations in the first year of the analysis period tends to give the impression of  
11 declining groundwater elevations that may only be occurring because the starting point is not  
12 representative.

13 6. There was an unusually long period between very wet years from 2011 to 2023,  
14 which has not occurred since the 1940s/1950s. The period from 2011 to 2022 had only 42% of  
15 the long-term average supply from 1931 to 1990. (See February 2024 PSY/FPA Tech Memo,  
16 Figure 3.) Thus, the main portion of the time period selected by Brown showing declining  
17 groundwater elevations (2011 through 2022) corresponds with a much drier than average  
18 condition.<sup>2</sup> This means that the main portion of the Brown Report's 20-year period reflects the  
19 expected gradual decline of groundwater elevations in GSWC wells from 2011 until the next very  
20 wet year in 2023.

21 7. This period of gradually declining groundwater elevation from 2011 through 2022  
22 neither reflects the long-term average conditions upon which the Judgment is based, nor the longer  
23 period from entry of Judgment to present. Determining safe/sustainable yield and associated  
24 potential for chronic groundwater elevation decline requires the collection and analysis of data  
25 over a multi-decade period (and preferably longer than 20 years for the type of analysis contained  
26 in the Brown Report) that is representative of longer-term climatic/hydrologic conditions. The

27 \_\_\_\_\_  
28 <sup>1</sup> All periods referenced herein are inclusive unless stated otherwise.

<sup>2</sup> The Watermaster Opposition to GSWC Motion to Enforce Judgment (Sept. 2024) notes this fact as well.

1 selected period for analysis should begin and end in below average water years to minimize water  
2 in transition and change in storage in the vadose zone.<sup>3</sup> The Brown Report’s period of analysis,  
3 to the contrary, begins in a wet year.

4 8. Despite the Brown Report’s flaws described in paragraphs 4 through 7 herein, the  
5 groundwater elevations in GSWC wells during 2024 are very similar to groundwater elevations  
6 that occurred 15 years earlier. The Brown Report hydrographs for the selected period do not  
7 adequately demonstrate the occurrence of long-term chronic groundwater elevation declines in  
8 GSWC wells.

9 9. Moreover, the Brown Report does not provide groundwater level data for non-  
10 GSWC wells in the Centro Subarea or Transition Zone. As a result, the Brown Report provides  
11 no information demonstrating long-term chronic groundwater level declines in non-GSWC wells  
12 within the Centro Subarea.

13 10. Concentrated pumping can cause localized groundwater elevation declines and/or  
14 groundwater elevation depressions, which may not be representative of the subbasin/subarea water  
15 balance as a whole. The occurrence of mutual well pumping interference and/or the presence of  
16 discharge boundaries (low permeability) within the radius of pumping influence may cause  
17 localized groundwater level declines.

18 11. The Brown Report lacks any analysis of or reference to well construction data,  
19 which—along with discussion of the local hydrostratigraphy—is necessary for interpreting  
20 groundwater level fluctuations in GWSC wells.

21 12. While the Brown Report’s use of a 20-year period is likely too short, the  
22 Watermaster recently used the period from 2001 through 2020 as the hydrologic base period for  
23 reevaluating Production Safe Yield and Consumptive Use. (*February 2024 PSY/FPA Tech*  
24 *Memo.*) Because the period from 2001 to 2020 begins and ends with below average years, the  
25 Watermaster’s hydrologic base period is more appropriate for conducting the analysis that the  
26

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27 <sup>3</sup>*California’s Groundwater; Working Toward Sustainability*, CALIFORNIA DEPARTMENT OF WATER RESOURCES  
28 (Bulletin 118 Interim Update, 2016),  
[https://link.edgepilot.com/s/7cb9e513/LdfLkMR2HEihlnyg8nGwjg?u=https://cawaterlibrary.net/wp-content/uploads/2017/05/Bulletin\\_118\\_Interim\\_Update\\_2016.pdf](https://link.edgepilot.com/s/7cb9e513/LdfLkMR2HEihlnyg8nGwjg?u=https://cawaterlibrary.net/wp-content/uploads/2017/05/Bulletin_118_Interim_Update_2016.pdf).

1 Brown Report seeks to provide. Although conducting the Brown Report’s analysis during the  
2 period from 2001 through 2020 would still be subject to many of the issues that this declaration  
3 discusses, doing so would at least (1) provide a more representative period for analysis and (2) be  
4 consistent with the Watermaster’s hydrologic base period.

5 13. Mr. Brown expresses the following conclusory opinion: “Production wells operated  
6 by GSWC in the Centro Subarea of the adjudicated Basin are experiencing chronic water level  
7 declines. In simple terms, considering a conservation of mass, groundwater level declines (i.e.,  
8 loss of storage) result from excessive discharge (e.g., over-pumping) and/or insufficient recharge  
9 (e.g., river seepage).” (Brown Declaration, paragraph 11, subparagraph 1.) The evidence does  
10 not support this opinion for the following reasons:

11 a. The GSWC well level data presented by Mr. Brown does not adequately  
12 demonstrate chronic water level declines. The period selected is too short to represent long-term  
13 average conditions in the Mojave Basin. The starting year, 2005, was a very wet year with  
14 abnormally high groundwater elevations due to high Mojave River flows. Therefore, the starting  
15 year for Mr. Brown’s analysis does not represent an average hydrological condition for comparison  
16 to subsequent year conditions, which skews his opinion toward a conclusion that groundwater  
17 levels in the Centro Area are declining.

18 b. Mr. Brown does not discuss Watermaster evidence showing stable  
19 groundwater levels in the Transition Zone and western portion of the Centro Subarea. (Wagner  
20 Declaration ISO Opposition to GSWC Motion (*Wagner Declaration*), Exhibit A, Alto Subarea  
21 Transition Zone Hydrographs 2024 at pdf pp. 15-16; *Wagner Declaration*, Exhibit B, Centro  
22 Subarea Hydrographs 2024 at pdf pp. 17-18.)

23 c. The Brown Declaration and Report do not provide sufficient information to  
24 assess whether the combination of GSWC groundwater well production and nearby non-GSWC  
25 groundwater well production is the cause of short-term groundwater level declines in GSWC wells.  
26 Moreover, the Brown Declaration and Report do not account for localized hydrogeologic  
27 conditions, such as faults and flow barriers, that may exacerbate well interferences and contribute  
28 to conditions not experienced elsewhere in the Centro Subarea.

1           d.       The data in the Brown Report indicates that GSWC well levels exhibit rapid  
2 increases following larger Mojave River flow events. The Brown Report does not assess whether  
3 short-term groundwater level declines in GSWC wells most closely correlate with reduced Mojave  
4 River flows during extended drought periods.

5           14.     Mr. Brown expresses the following conclusory opinion: “Based on currently  
6 available data and analyses performed by aquilogic, the observed chronic water level declines at  
7 GSWC’s production wells in the Centro Subarea do not result from over-pumping at the wells.”  
8 (Brown Declaration, paragraph 11, subparagraph 2.) The evidence does not support this opinion  
9 for the following reasons:

10           a.     The Brown Declaration and Report do not provide sufficient data to assess  
11 whether pumping from GSWC and non-GSWC wells affects groundwater levels in GSWC wells.

12           b.     Mr. Brown’s data does suggest that localized pumping by GSWC and non-  
13 GSWC wells may exceed the near-term average recharge, especially over the period from 2011 to  
14 2022. (*See* Paragraph 6, above, of this Declaration.)

15           15.     Mr. Brown expresses the following conclusory opinion: “Thus, it is more likely that  
16 recharge to the Centro Subarea from the Alto Subarea has decreased and contributed to the  
17 observed chronic water level declines.” (Brown Declaration, paragraph 11, subparagraph 3.) The  
18 evidence does not support this opinion for the following reasons:

19           a.     Mr. Brown does not discuss Watermaster evidence showing groundwater  
20 levels in the Transition Zone and western portion of the Centro Subarea to be stable and at higher  
21 elevation than levels near GSWC wells.

22           b.     Mr. Brown does not acknowledge that GSWC wells respond positively to  
23 very high Mojave River flows.

24           c.     Mr. Brown fails to recognize or, at least, raise and dismiss the possibility  
25 that localized pumping and reduced Mojave River flow during drought periods are the cause of  
26 chronic groundwater level declines at GSWC wells (if, in fact, such declines are occurring).

27           16.     Mr. Brown expresses the following conclusory opinion: “There is currently a deficit  
28 in the volume of water producers in the Alto Subarea are obligated under the Judgment to deliver

1 as recharge to the Centro Subarea.” (Brown Declaration, paragraph 11, subparagraph 4.) The  
2 evidence does not support this opinion for the following reasons:

3 a. As described by the Watermaster, the Judgment does not create obligations to  
4 the Centro Subarea for the Alto Subarea, rather the Alto Subarea has obligations to the Transition  
5 Zone. (Watermaster Opposition to GSWC Motion to Enforce Judgment (Sept. 2024)  
6 (*Watermaster Opposition*).

7 b. There is no substantial evidence in the Brown Declaration and Report to support  
8 the conclusion that there is a deficit in the volume of water producers in the Alto Subarea are  
9 obligated to provide under the Judgment to deliver as recharge to the Transition Zone. Conversely,  
10 the Watermaster does present substantial evidence that the Alta Subarea is meeting its subarea  
11 obligation to the Transition Zone. (*February 2024 PSY/FPA Tech Memo*; Watermaster Motion  
12 to Adjust Free Production Allowance for Water Year 2024-2025; *Watermaster Opposition*.)

13 17. It is my opinion that it is not possible to draw any meaningful conclusions about Centro  
14 Subarea conditions using only observations of GSWC well elevations and pumping. The Brown  
15 Report does not evaluate numerous factors that may affect groundwater elevations in GSWC wells,  
16 including factors such as pumping by nearby groundwater producers and hydrogeologic conditions  
17 of the Centro Area. Further, given that Watermaster is scheduled to release—three months from  
18 now—an updated Upper Mojave River Basin Model that includes data and estimates for all  
19 Subareas, including the Transition Zone and Centro Subarea, the Brown Declaration and Report  
20 prematurely draw conclusions concerning the adequacy of the Watermaster’s model and the results  
21 thereof. Accordingly, the Brown Declaration and Report do not support the conclusions (1) that  
22 GSWC wells are exhibiting a chronic lowering or (2) that the Alto Subarea has not fulfilled its  
23 subarea obligations.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
25 October 9, 2024 in Daly City, California.

26  
27 

28 Peter Leffler \_\_\_\_\_

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SONOMA**

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

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

On October 9, 2024, I served the document

**DECLARATION OF PETER LEFFLER IN SUPPORT OF VICTORVILLE  
WATER DISTRICT'S AMENDED OPPOSITION TO GOLDEN STATE WATER  
COMPANY MOTION TO ENFORCE JUDGMENT**

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

**By Electronic Mail/Email** to the email addresses listed below. Said document was served electronically and the transmission was reported as complete and without error.

**To the Attached Service Lise**

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed on October 9, 2024 at Petaluma, California.

/s/ Peter J. Kiel

Peter J. Kiel



**Service List**

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

**VIA EMAIL AND FEDEX**

**Mojave Basin Area Watermaster**

c/o Valerie L. Wiegenstein and  
Jeffrey D. Ruesch,  
Watermaster Services Managers  
13846 Conference Center Drive  
Apple Valley, CA 92307-4377  
[watermaster@mojavewater.org](mailto:watermaster@mojavewater.org)  
[vwiegenstein@mojavewater.org](mailto:vwiegenstein@mojavewater.org)  
[jruesch@mojavewater.org](mailto:jruesch@mojavewater.org)

William J. Brunick and Leland P.  
McElhaney  
Brunick, McElhaney & Kennedy PLC  
1839 Commercenter West  
San Bernardino, California 92408-3303  
**Attorneys for Defendant/Cross-  
Complainant**  
**Mojave Water Agency**  
[bbrunick@bmklawplc.com](mailto:bbrunick@bmklawplc.com)  
[lmcelhaney@bmklawplc.com](mailto:lmcelhaney@bmklawplc.com)

**VIA EMAIL ONLY**

Stephanie Osler Hastings  
Mackenzie W. Carlson  
**BROWNSTEIN HYATT FARBER  
SCHRECK, LLP**  
1021 Anacapa Street, 2nd Floor  
Santa Barbara, CA 93101-2711  
Telephone: 805.963.7000  
[SHastings@bhfs.com](mailto:SHastings@bhfs.com)  
[Mcarlson@bhfs.com](mailto:Mcarlson@bhfs.com)  
**Attorneys for Golden State Water  
Company**

Diana Carloni  
21001 N. Tatum Blvd Ste. 1630-455  
Phoenix, AZ 85050  
[diana@carlonilaw.com](mailto:diana@carlonilaw.com)  
**Attorneys for Newberry Springs  
Recreational Lakes Association**

Christine Carson  
Aleshire & Wynder, LLP  
3701 Wilshire Blvd., Suite 725  
Los Angeles, CA 90010  
[ccarson@awattorneys.com](mailto:ccarson@awattorneys.com)  
**Attorneys for City of Hesperia**

## 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 October 9, 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:

**DECLARATION OF PETER LEFFLER IN SUPPORT OF VICTORVILLE WATER DISTRICT'S AMENDED OPPOSITION TO GOLDEN STATE WATER COMPANY 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 October 9, 2024 at Apple Valley, California.

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

## Mojave Basin Area Watermaster Service List as of October 09, 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: Jessie Florez  
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 October 09, 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

Attn: Ian Bryant (irim@aol.com)  
Bryant Family Trust dated May 9, 2007 (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.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  
(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 October 09, 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: Beahta Davis  
CDFW - Mojave Narrows Regional Park  
268 W. Hospitality Lane, 3rd Floor  
San Bernardino, CA 92408-3241

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 (daggettcsd@aol.com;  
daggettcsd@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 October 09, 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: Virginia Shaw  
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 October 09, 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

(harvey1.92356@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 October 09, 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  
(janimartines@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 October 09, 2024

Attn: Brenda Hyatt  
(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  
Dammeron 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 October 09, 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

Attn: Dean Low (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 Turnball 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 October 09, 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 90016-4124

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 October 09, 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 October 09, 2024

Reed, Mike  
105 R C Smith Lane  
Barbourville, KY 40906-7119

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, LLC  
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: Jackie McEvoy (billt@rrmca.com)  
Robertson's Ready Mix (via email)  
PO Box 3600  
Corona, CA 92878-3600

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 133109  
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, Kanoeolokelani 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 (mescray@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-

## Mojave Basin Area Watermaster Service List as of October 09, 2024

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

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.Oldenburg@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

## Mojave Basin Area Watermaster Service List as of October 09, 2024

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

(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  
(tcwdoffice@gmail.com;  
tcwd.doug@gmail.com)  
Thunderbird County Water District (via email)  
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;  
kmetzler@victorvilleca.gov;  
snawaz@victorvilleca.gov)  
Victorville Water District, ID#1 (via email)  
P. O. Box 5001  
Victorville, CA 92393-5001

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  
(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

## Mojave Basin Area Watermaster Service List as of October 09, 2024

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

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: 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: Christine M. Carson, Esq.  
(ccarson@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@mwaterlaw.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: Christopher Pisano, Esq.  
(christopher.pisano@bbkllaw.com)  
Best, Best & Krieger LLP (via email)  
300 South Grand Avenue  
25th Floor  
Los Angeles, CA 90071



## Mojave Basin Area Watermaster Service List as of October 09, 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attn: Kelly Ridenour, Ms.  
(kridenour@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: 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

## Mojave Basin Area Watermaster Service List as of October 09, 2024

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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: Stephanie D. Nguyen, Esq.  
(snguyen@reedsmith.com)  
Reed Smith LLP (via email)  
1901 Avenue of the Stars, Suite 700  
Los Angeles, CA 90076-6078

Attn: Henry R. King, Esq.  
(hking@reedsmith.com)  
Reed Smith LLP (via email)  
506 Carnegie Center, Suite 300  
Princeton, NJ 08540-

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

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

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

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

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

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

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