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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
(Cal. Rules of Court, rule 3.550)

17 MOJAVE BASIN WATER CASES

18
19

CITY OF BARSTOW,

20 Plaintiff,

21 v.

22 CITY OF ADELANTO, et al.,

23 Defendants.
24

25 **AND RELATED CROSS ACTIONS**
26

Case No. CIV208568 / JCCP No. 5265

**CITY OF VICTORVILLE /
VICTORVILLE WATER DISTRICT'S
JOINDER IN MITSUBISHI CEMENT
CORPORATION ET AL.'S MOTION
TO SELECT HYDROLOGIC BASE
PERIOD OF 1995-2024 AND
OPPOSITION TO WATERMASTER'S
RENEWED MOTION FOR
DETERMINATION OF HYDROLOGIC
BASE PERIOD**

Assigned for All Purposes to Honorable
Craig G. Riemer, Retired

**March 18, 2026
8:30 a.m.
Department 1**

Reservation No. Per Court Order 2/20/2026

1 Victorville Water District¹ (VWD) joins Mitsubishi Cement Corporation, Robertson's
2 Ready Mix, LTD., and CalPortland Company (hereafter, collectively, Mitsubishi et al.) in their
3 Motion to Select Hydrologic Base Period of 1995-2024 (Mitsubishi et al. Motion) and opposes
4 Watermaster's (WM) Renewed Motion for Determination of Hydrologic Base Period for
5 Calculation of Production Safe Yield Values (WM Motion).

6 The hydrologic Base Period (BP) is at the core of the Judgment's physical solution: annual
7 Production Safe Yield (PSY) and Free Production Allowance (FPA) determinations flow from a
8 stable long-term hydrological reference period. BP is not a management tool in and of itself. The
9 1995-2024 BP proposed by Mitsubishi et al. is the most legally-defensible and technically-sound
10 BP. This period is representative of the long-term average hydrology of the Basin within the
11 available records, is inclusive of the most recent cultural conditions and water use patterns, and
12 captures normal and extreme dry and wet conditions representative of current and future climatic
13 disruption. WM's proposed 2001 to 2020 period must be rejected because it is an unreasonably
14 short and dry period that WM selected to reduce PSY and FPA. The 2001-2020 period fails to
15 meet the requirement of the Judgment that PSY reflect the highest average annual production that
16 can be achieved without long-term loss of storage.

17 **A. The Purpose of the Hydrologic Base Period Is to Serve as a Stable, Long-term**
18 **Reference Period, Not as a Management Tool as Suggested by WM**

19 The concept of BP flows from the Stipulated Judgment's definition of PSY, which is:

20 The highest average Annual Amount of water that can be produced from a Subarea:
21 (1) over a sequence of years that is representative of long-term average annual
22 natural water supply to the Subarea net of long-term average annual natural outflow
23 from the Subarea, (2) under given patterns of Production, applied water, return
flows and Consumptive Use, and (3) without resulting in a long-term net reduction
of groundwater in storage in the Subarea.

24 (Judgment, para. II.A.4.aa.) That is, the BP informs PSY determinations in that it must encompass
25 sequences of years that are representative of long-term average water supplies given patterns of
26

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

1 water use. As such, BP, in and of itself, is not a policy or management tool available to the WM
2 to skew in favor of causing specific PSY or FPA outcomes.

3 Moreover, the Judgment provides WM with other tools for preventing overdraft in the
4 event that Subareas or all of the Mojave Basin Area experience drier than average hydrologic
5 conditions. PSY determinations must prevent “long-term net reduction of groundwater in
6 storage.” (Judgment, para. II.A.4.aa.)

7 Furthermore, based on its PSY determination, WM recommends and the Court then
8 determines the FPA, “[t]he total amount of water, and any Producer’s share thereof, that may be
9 Produced from a Subarea each Year free of any Replacement Obligation.” (Judgment, para.
10 II.A.4.k.) FPA is the Court’s management tool for extractions and replacement water, not BP. It
11 follows that WM has the tools necessary for preventing overdraft already built into its PSY and
12 FPA determinations.

13 But in the WM Motion, WM intentionally proposes a drier-than-average BP in order to
14 lower PSY and FPA:

15 Accordingly, the 2001-2020 drier hydrologic base period will advance the
16 objectives and goals of the stipulated Judgment because it might result in lower
17 PSY values, requiring additional rampdown of FPA and purchase of additional
18 supplemental water to replenish groundwater depletions and ultimately achieve
19 equilibrium between the Basin Area’s water supply and consumptive uses.

20 (WM Motion, p. 6, ln. 22-26.) This approach conflicts with the Judgment and must be rejected.
21 BP is not a management tool. BP should be as stable and comprehensive as possible and based
22 upon the best available hydrology to inform PSY and FPA.

23 WM’s mischaracterization of the purpose of BP proliferates in the WM Motion, for
24 example:

25 Mitsubishi, Robertson’s and CalPortland offer a number of rationalizations in
26 support of their proposed 1995-2024 hydrologic base period, e.g., it encompasses a
27 longer hydrological record than 2001-2020. However, the question to be answered
28 is: which of the two proposed hydrologic base periods is a better choice for
“*managing*” the Basin to bring it into balance as soon as reasonably possible?

(WM Motion, pp. 13-14, ln. 27-28, 1-2 (emphasis added).) WM’s framing of the question distorts
the purpose of BP. The question should be which base period provides the most reasonable
representation of long-term Basin hydrologic conditions and patterns of use, not which proposed

1 hydrologic base period is best suited for reaching WM’s desired management outcomes. The BP
2 need not be skewed in favor of a drier hydrology in order for WM and the Court to maintain the
3 Basin in hydrologic balance. The PSY and FPA provide WM and the Court with the tools
4 necessary for doing so.

5 **B. VWD Supports Mitsubishi et al.’s Standard for Hydrologic Base Period**

6 1. Distilled Criteria

7 VWD concurs with the “distilled criteria” for selecting a hydrologic base period described
8 by Mitsubishi et al. that was derived from the Judgment, DWR Bulletin 84, case law, and this
9 Court’s orders. Those criteria are the following:

- 10 • Both normal and extreme, wet and dry years;
- 11 • Base period must be from within available records;
- 12 • Include recent cultural conditions;
- 13 • Highest average annual amount of water that can be produced without resulting in a long-
term net reduction of groundwater in storage in the subarea; and
- 14 • Consider climatic disruption.

15 2. Value of Long-Term Hydrologic Record in Selecting Hydrologic Base Period

16 VWD’s expert stresses that the most important factor is to use the longest hydrologic record
17 available as the reference period for selecting the base period. A longer record will include average
18 and extreme, variable hydrologic conditions and reduces short term bias and the impact of outlying
19 data. (Peter Leffler Declaration [Leffler Decl.], ¶ 6.) The complete 94-year hydrologic record for
20 the Mojave Basin, water years 1931 to 2024, is presumptively the best representation of Basin
21 hydrology. The full 94-year period of available data should be used for evaluation of potential
22 BPs. (Leffler Decl. ¶¶ 6-8.)

23 3. Climate Change Considerations

24 In VWD’s December 12, 2025 comment letter to WM, VWD recommended that DWR
25 2018 Climate Change Guidance be reviewed to determine if the expectation for Mojave Basin is a
26 drier future with climate change and, if so, how much drier with respect to streamflow. WM did
27 not conduct a climate change analysis. Mitsubishi et al.’s expert EKI, conducted the Climate
28 Change Guidance analysis in support of their motion. EKI found that the 2030 climate change
scenario is projected to result in approximately 3% less precipitation and 4% more ET compared

1 to the 94-year hydrologic record. This indicates a “slight increase in the aridity of the Basin relative
2 to the historical period.” (Mitsubishi et al Motion, Ex. 23 [A. Dutton Declaration in Support
3 Mitsubishi et al. Motion, ¶¶ 36-39] p. 2 [MM001625].) VWD’s expert agrees with EKI’s
4 conclusions. (Leffler Decl. ¶¶ 11, 15.)

5 A slight increase in aridity of the Basin does not render past hydrologic data moot, rather,
6 a longer-term record that captures a wide range of historic conditions is particularly relevant for
7 evaluating future climate change that is expected to cause more variability and extreme hydrologic
8 conditions. (Leffler Decl. ¶ 9.) Basin recharge is driven by large storms and Mojave River flow
9 events, not just average annual precipitation. It is reasonably possible that climate change may
10 both increase average annual temperature and frequency of drought periods while increasing the
11 frequency and/or magnitude of large storm events that are the primary driver of long-term average
12 annual basin recharge in the Basin. (Leffler Decl. ¶ 10.)

13 **C. A 1995-2024 Hydrologic Base Period Is More “Prudent” than 1931-1990 and**
14 **2001-2020 BPs and Is the Most Legally-Defensible and Technically-Sound BP**

15 The hydrologic period between 1995-2024 checks all of the boxes for selecting a
16 hydrologic base period while eliminating the weaknesses of the existing and possible alternative
17 base periods: 1995-2024 is representative of long-term hydrologic conditions, it includes a range
18 of extreme conditions, it reflects climate change guidance as it is drier than the 1931-2024
19 reference period, and it includes patterns of use and cultural conditions in the Basin.

20 1. Longer Record Is Preferred

21 A longer BP necessarily encompasses more of the Basin’s hydrologic data than a shorter
22 period, meaning that a longer period will provide a more complete picture of the Basin’s
23 hydrologic reality. (Leffler Decl. ¶¶ 6-9.) The farther into the past that the BP extends, the less
24 connected the BP is to current cultural conditions. The 1995-2024 period is the best of both worlds
25 because it is long enough to capture enough data that is reasonably representative of the Basin’s
26 hydrologic conditions while also capturing a full picture of the Basin’s cultural condition after
27 entry of the Judgment. (Leffler Decl. ¶¶ 14-15.)

28

1 2. 1995-2024 Includes a Range of Extreme Conditions

2 The 1995-2024 period includes a wider range of extreme conditions, including extremely
3 dry periods from 1999 to 2002 and from 2021 to 2022 and the relatively wet periods from 1997 to
4 1998 and from 2023 to 2024, than WM’s proposed BP. By including a wider range of conditions
5 over a longer period (compared to WM’s proposed alternative), a 1995-2024 BP would have more
6 utility for evaluating possible future climatic scenarios, which are forecast to cause variability and
7 extreme hydrologic conditions. (Leffler Decl. ¶¶ 9-10, 14-15.) A wider dataset would provide
8 WM and the Court with a more solid foundation on which to make PSY and FPA determinations.

9 3. 1995-2024 Is 3% Drier than the Historic Period, Which Matches DWR Climate
10 Guidance Estimate for 2030 Scenario

11 The 1995-2024 period is drier than the existing BP by 3%, which aligns with current
12 guidance while not overcompensating for shifts in the Basin’s hydrology. (Mitsubishi et al
13 Motion, Ex. 23 [A. Dutton Declaration in Support Mitsubishi et al. Motion, ¶¶ 36-39] p. 2
14 [MM001625]; Leffler Decl. ¶¶ 11-13.) A 1995-2024 base period is a more reasonable
15 representation of long-term hydrologic conditions in the Basin than the existing and alternative
16 base periods.

17 **D. WM Rationale for Conservative BP Must be Rejected**

18 As referenced above, WM justifies its conservative BP recommendation by arguing it will
19 drive further rampdown of groundwater pumping by causing reductions in the PSY and FPA.
20 (WM Motion, at p. 6, ln. 22-26.) WM makes an additional policy argument that Mitsubishi et al.’s
21 proposed 1995-2024 BP is a ploy to avoid reductions to the FPA:

22 Mitsubishi, Robertson’s and CalPortland now advocate for the 1995-2024
23 hydrologic base period (rather than the 2001-2020 base period) as part of their
24 continuing efforts to avoid the possibility of further FPA ramp down – not because
the 1995-2024 base period is a better management tool to achieve Basin equilibrium
as soon as reasonably possible.

25 (WM Motion, p. 15, ln. 7-10.) These arguments conflict with the Judgment and undermine the
26 parties’ good faith participation in the WM’s BP workshops because WM did not set forth these
27 policy justifications at that time, thus preventing the parties from confronting that policy
28 justification during the workshop. Accordingly, VWD urges the Court to disregard WM’s after-

1 the-fact rampdown policy justifications.

2 In sum, WM should not use a flawed and overly conservative technical foundation to drive
3 management outcomes. BP should be stable and comprehensive and based upon the best available
4 hydrology to inform PSY and FPA, the appropriate tools for WM's management of Mojave Basin
5 Area Subareas.

6 Dated: March 4, 2026

Law Office of Peter Kiel PC

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8 

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Peter J. Kiel

10 Attorney for Defendant Victorville Water District, a
11 subsidiary district of the City of Victorville
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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, 11 Western Avenue Petaluma, California 95952 and my email is pkiel@cawaterlaw.com.

On March 4, 2026, I served the document

**CITY OF VICTORVILLE / VICTORVILLE WATER DISTRICT'S JOINDER IN
MITSUBISHI CEMENT CORPORATION ET AL.'S MOTION TO SELECT
HYDROLOGIC BASE PERIOD OF 1995-2024 AND OPPOSITION TO
WATERMASTER'S RENEWED MOTION FOR DETERMINATION OF
HYDROLOGIC BASE PERIOD**

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 List

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 March 4, 2026 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

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PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On March 5, 2026, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

City of Victorville/Victorville Water District's Joinder in Mitsubishi Cement corporation et al.'s Motion to Select Hydrologic Base Period of 1995-2024 and Opposition to Watermaster's Renewed Motion for Determination of Hydrologic Base Period

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

Executed on March 5, 2026 at Apple Valley, California.



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9903 Santa Monica Blvd., PMB #541
Beverly Hills, CA 90212-1671

Attn: Jaehwan Lee
Come Mission, Inc.
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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
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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
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Attn: Renee Beaty (daggettsd@aol.com;
daggettsd@outlook.com;
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email)
P. O. Box 308
Daggett, CA 92327-0308

Attn: Steve and Dana Rivett
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Daggett, CA 92327-0112

Attn: Aileen Yeung c/o Clearway Energy
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Daggett Solar Power 3 LLC (via email)
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Darr, James S.
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De Jong Family Trust
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Mojave Basin Area Watermaster Service List as of March 05, 2026

Attn: Randy Wagner
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Attn: Penny Zaritsky
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Lucerne Valley, CA 92356-0709

Attn: Denise Courtney
Desert Springs Mutual Water Company
P. O. Box 396
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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
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Donaldson, Jerry and Beverly
16736 B Road
Delta, CO 81416-8501

Attn: Virginia Shaw
Dora Land, Inc.
PO Box 1405
Apple Valley, CA 92307-0026

Attn: David Dorrance
Dorrance, David W. and Tamela L.
118 River Road Circle
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Douglass, Tina
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Dowell, Leonard
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Van Nuys, CA 91405-1423

Attn: Richard Bruce Fitzwater
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Frates, D. Cole (via email)
RRG CM, 926 N Sycamore Ave Ste 725
Los Angeles, CA 90038-2382

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Friend, Joseph and Deborah
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Gabrych Family Trust dated October 9, 2007
2006 Old Highway 395
Fallbrook, CA 92028

Gabrych Family Trust dated October 9, 2007
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
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Mojave Basin Area Watermaster Service List as of March 05, 2026

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Attn: Toby Moore (toby.moore@gswater.com)
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San Dimas, CA 91773-5121

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Attn: Scot Gasper
Gordon Acres Water Company
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Calimesa, CA 92320-1301

Attn: Brian E. Bolin
Green Acres Estates
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Attn: Nick Grill (Nick.terawatt@gmail.com)
Grill, Nicholas P. and Millie D. (via email)
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Mojave Basin Area Watermaster Service List as of March 05, 2026

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Hesperia, CA 92345-3493

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Attn: Jeremy McDonald
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9700 Seventh Avenue
Hesperia, CA 92345-3493

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Covina, CA 91722-0432

Attn: Sandra D. Hood
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San Pedro, CA 90732-4557

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Attn: Ester Hubbard
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Hunt, Connie (via email)
39392 Burnside Loop
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Attn: James Jackson Jr.
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Mojave Basin Area Watermaster Service List as of March 05, 2026

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Jamboree Housing Corporation (via email)
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Janovsky Revocable Trust No. 1 (via email)
17241 Bullock Street
Encino, CA 91316-1437

Attn: Gary A. Ledford
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Jess Ranch Water Company (via email)
906 Old Ranch Road
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Attn: Cynthia Mahoney
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Attn: Paul Johnson
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Johnson, Paul - Industrial (via email)
10456 Deep Creek Road
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Johnson, Ronald
1156 Clovis Circle
Dammeron Valley, UT 84783-5211

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Johnston, Harriet and Johnston, Lawrence W.
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Hesperia, CA 92340-1472

Attn: Magdalena Jones
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Jones Trust dated March 16, 2002 (via email)
35424 Old Woman Springs Road
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Attn: Paul Jordan
Jordan Family Trust
1650 Silver Saddle Drive
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Attn: Ray Gagné
Jubilee Mutual Water Company
P. O. Box 1016
Lucerne Valley, CA 92356

Attn: Jilin Xiao
Jujube Valley Farm, Inc.
19 Pemberly
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Attn: Cherie Casey (ccasey@jrcwd.org)
Juniper Riviera County Water District (via email)
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Katcher, August M. and Marceline
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Kemp, Robert and Rose
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Mojave Basin Area Watermaster Service List as of March 05, 2026

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Liang, Yuan - I and Tzu - Mei Chen
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(Michael.Reese@libertyutilities.com)
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Water) Corp. (via email)
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gen.com)
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Mojave Basin Area Watermaster Service List as of March 05, 2026

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Attn: Jodi Howard
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Mojave Basin Area Watermaster Service List as of March 05, 2026

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