

1 Leland P. McElhaney, Esq. [SB No. 39257]
2 **BRUNICK, McELHANEY & KENNEDY PLC**
3 1839 Commercenter West
4 P.O. Box 13130
5 San Bernardino, California 92423-3130

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

4 Telephone: (909) 889-8301
5 Facsimile: (909) 388-1889
6 E-Mail: lmcElhaney@bmkLawplc.com

6 Attorneys for Plaintiff,
7 THE MOJAVE WATER AGENCY,
8 AS THE MOJAVE BASIN AREA WATERMASTER

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF RIVERSIDE, HISTORIC COURTHOUSE**

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

JCCP5265

13 MOJAVE BASIN WATER CASES)

Dept. 1, Riverside Superior Court
Hon. Harold W. Hopp, Judge Presiding

14 THE MOJAVE WATER AGENCY, AS)
15 THE MOJAVE BASIN AREA)
16 WATERMASTER,)

Coordinated with:
CASE NO.: CIVSB 2218461

16 Plaintiff,
17 vs.)

**WATERMASTER'S TRIAL SETTING
CONFERENCE STATEMENT;
SUPPORTING DECLARATIONS**

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

Date: April 10, 2026
Time: 1:30 p.m.
Dept.: 1

27 Defendants.)
28

Hon. Craig G. Riemer, Retired Judge of
the Riverside Superior Court, sitting by
Assignment of the Chief Justice

1 The Court's March 30, 2026 Order directs Watermaster to file and serve a Trial Setting
2 Conference Statement by April 2, 2026, and to include therein the following:

- 3 • A list of all defendants who have answered and have not been subsequently dismissed.
4 The list is as follows: Buddhist-Town LLC; Fasoja Living Trust; Jasper Young Kim; SE
5 Combined Services, Inc.; Shadow Mountain Ranch, LLC; and Shunzing Weng.
- 6 • A list of all defendants who have not yet been served with the FAC. The list is as
7 follows: Tamara Cann; Febronio Guerrero; Henghe LLC; Leslie E. Kubak; Jikai Liang;
8 Prem Reddy Family Trust; and Idalfer Alfaro Saucedo.
- 9 • A list of all defendants who had been dismissed prior to the filing of the First Amended
10 Complaint but were named again in the FAC. The list is as follows: Amanda Qiaogun
11 Baxter; the Chin Family Life Estate Trust; Chong Chol Kim; Chung Won Kim; Kyung
12 Ja Kim; Jingzhe Zhao; Xiuli Xue; Raul Ovio Prudencio, Trustee of The Raul O.
13 Prudencio Living Trust; and Suzie Linxiuzi Liu. None were served with a copy of the
14 First Amended Complaint.
- 15 • A list of all defendants who had been defaulted prior to the filing of the FAC but whose
16 defaults were set aside by the clerk upon the filing of the FAC. To Watermaster's
17 knowledge and based upon review of information on the Court's website for this action,
18 there are no defendants whos defaults were set aside by the clerk of the court after the
19 riling of the FAC.

20 The Complaint. Watermaster's complaint seeks a determination of defendants' rights to
21 produce and use groundwater from the Mojave Basin Area (Complaint, ¶ 12). The complaint
22 also seeks a determination as to whether it is necessary or appropriate to impose a physician
23 solution: to better manage the limited groundwater resources within the Mojave Basin Area; to
24 avoid further over drafting of groundwater within the Mojave Basin Area; to enjoin any
25 unlawful or wasteful use of groundwater within the Mojave Basin Area; and, to put such
26 groundwater to beneficial use to the fullest extent of which they are capable, and that the waste
27 or unreasonable use or unreasonable method of use of water be prevented, and that the
28 conservation of such waters be exercised with a view to the reasonable and beneficial use

1 thereof in the interest of the people and for the public welfare (Complaint, ¶¶ 17, 27, 28, 38, 39.
2 See, also, “Prayer for Relief” paragraphs 3 [“For the continued imposition of a physical solution
3 consistent with Article X, section 2 of the California Constitution”] and 4 [For this Court to
4 retain jurisdiction over the parties and matters at issue for the purpose of enforcing the . . .
5 physical solution, and judgment which will issue in this matter”]).

6 The Cross-Complaint. The cross-complaint filed by defendant Shadow Mountain Ranch
7 LLC seeks Court determination and declaration that: (a) the defendants in this action are not
8 bound by the Judgment entered in *City of Barstow v. City of Adelanto*, Riverside Superior Court
9 Action No. CIV208568; and (b) the groundwater beneath its property is “Supplemental Water”
10 as defined in the Judgment.

11 Discovery. Discovery has not yet been completed. Several defendants have not yet
12 provided responses to written discovery propounded to them, and depositions of expert
13 witnesses will be required regarding SMR’s claim that groundwater beneath its property is
14 “Supplemental Water” as defined in the Judgment in *City of Barstow*. Watermaster believes
15 sufficient time remains to complete all remaining discovery more than thirty days prior to trial
16 of the matters to which such discovery relate.

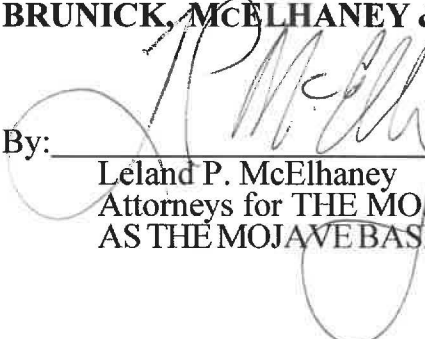
17 Potential Trial Dates. The Court directed the parties to meet and confer regarding
18 potential dates for trial to commence approximately six months after the April 20, 2026
19 originally scheduled trial setting conference. On March 25, 2026, Watermaster’s counsel
20 inquired of all other counsel of record in this proceeding by e-mail, and of unrepresented
21 counsel by United States Mail, as to possible trial dates after October 12, 2026 -- indicating that
22 Watermaster’s counsel is available from October 13 through November 6, 2026 (except for
23 October 28). Counsel for SE Combined Services, Inc., responded that her client “has no
24 objection to the proposed dates”; SMR’s counsel indicated his preference is for the trial to occur
25 the week of October 12, 2026. (See McElhaney declaration, ¶ 7.)

26 Possible Bifurcation of SMR’s claim of lack of hydrologic connectivity. As to SMR’s
27 claim that the aquifers beneath its property are hydrologically disconnected from other water
28 supplies in the Centro and Baja Subareas, trial of that issue will involve extensive evidence

1 regarding the hydrology of the northern part of the Centro Subarea where SMR's property is
2 located. Watermaster anticipates at least four experts will testify on this issue, and it is important
3 that the best scientific evidence available be presented at the trial of that issue. In that regard,
4 the regional groundwater modeling currently being performed by the Mojave Water Agency
5 with a possible completion date later this year will include data and information material to this
6 issue (see declaration of David Peterson attached hereto). Thus, if certain issues are to be
7 bifurcated for trial, the trial of other issues should be conducted first, and trial of the issue of
8 hydrologic connectivity specific to SMR's property should be conducted after the groundwater
9 modeling is completed.

10 Dated: April 2, 2026

BRUNICK, McELHANEY & KENNEDY PLC

11
12 By:  _____
13 Leland P. McElhaney
14 Attorneys for THE MOJAVE WATER AGENCY,
15 AS THE MOJAVE BASIN AREA WATERMASTER
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **SUPPORTING DECLARATION**

2 Leland P. McElhaney declares and states:

3 1. I am an attorney at law duly licensed to practice before all courts of the State of
4 California, and a principal in the law firm of Brunick, McElhaney & Kennedy PLC, counsel of
5 record for the Watermaster in this proceeding. I have personal knowledge of all matters set forth
6 below and, if called as a witness, I could and would testify competently thereto.

7 2. The following defendants have filed responsive pleadings and not been dismissed:
8 Buddhist-Town LLC; Fasoja Living Trust; Jasper Young Kim; SE Combined Services, Inc.;
9 Shadow Mountain Ranch, LLC; and Shunzing Weng.

10 3. The following defendants have not yet been served with the FAC: Tamara Cann;
11 Febronio Guerrero; Henghe LLC; Leslie E. Kubak; Jikai Liang; Prem Reddy Family Trust; and
12 Idalfer Alfaro Saucedo.

13 4. The following defendants are inadvertently named in the FAC, although they were
14 dismissed from the action to the FAC being filed: Amanda Qiaogun Baxter; the Chin Family
15 Life Estate Trust; Chong Chol Kim; Chung Won Kim; Kyung Ja Kim, Jingzhe Zhao; Xiuli Xue;
16 Raul Ovio Prudencio, Trustee of The Raul O. Prudencio Living Trust; and Suzie Linxiuzi Liu.
17 However, a copy of the First Amended Complaint has not been served on any of these
18 defendants.

19 5 Based upon the case information available on the Court’s website, and to the best of
20 Watermaster’s knowledge, no defendants were defaulted prior to the filing of the FAC whose
21 defaults were later set aside by the clerk after the FAC was filed.

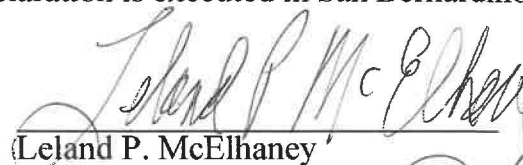
22 6. Discovery has not yet been completed. Several defendants have not yet provided
23 responses to written discovery propounded to them, and depositions of expert witnesses will be
24 required regarding SMR’s claim that groundwater beneath its property is Supplemental Water
25 as defined in the *City of Barstow* Judgment. However, Watermaster believes sufficient time
26 remains to complete all remaining discovery more than thirty days prior to trial of the matters
27 to which such discovery relate.

28

1 7. In response to the Court directive that the parties meet and confer regarding potential trial
2 dates commencing approximately six months after the April 20, 2026 originally scheduled trial
3 setting conference, on March 25, 2026, I inquired of all other counsel of record in this
4 proceeding by letter sent by e-mail, and of unrepresented counsel by letter sent by United States
5 Mail, as to possible trial dates after October 12, 2026 -- indicating that I would be available from
6 October 13 through November 6, 2026 (except for October 28). A true and correct copy of my
7 letter containing that inquiry and the e-mail transmitting same are attached collectively as
8 Exhibit 1 hereto. Counsel for SE Combined Services responded by e-mail that it has no
9 objection to the dates I proposed; and SMR's counsel responded by e-mail that his preference
10 is for the trial to occur the week of October 12, 2026 (See Exhibit 2 hereto). Counsel for
11 Buddhist Town LLC advised me by telephone today that his client ha no objection to any trial
12 dates Watermaster recommends in October/November 2026.

13 8. As to SMR's claim the aquifers beneath its property are hydrologically disconnected from
14 other water supplies in the Centro and Baja subareas, trial of that issue will involve extensive
15 evidence regarding the hydrology of the northern part of the Centro Subarea where SMR/s
16 property is located. I anticipate that at least four experts will testify on this issue. Moreover, the
17 best scientific evidence available should be presented on that issue, and the regional
18 groundwater modeling scheduled to be completed later this year will include data and
19 information material to this issue. Thus, if certain issues are to be bifurcated for trial, a trial of
20 other issues should be conducted first, and the trial of this technical scientific issue should be
21 delayed until after the groundwater modeling is completed. (See declaration of David Peterson
22 attached below.)

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct, and this declaration is executed in San Bernardino, California on
25 April 2, 2026.

26 
27 (Leland P. McElhaney)
28

1 SMR property). During development of a cross section (C-C') for the model, it appeared that
2 the aquifers are displaced vertically along the Harper Valley fault, which runs northwest at the
3 west side of SMR. Offset by the fault potentially created a zone where the deeper and shallower
4 aquifers are directly connected. Limited available pump testing data by SMR also suggests that
5 a source of recharge entered their deep well during pumping, which also suggests connection.
6 The model will be useful to test the effects of pumping from the deeper aquifer on the shallow
7 aquifer. However, further investigation by SMR will be needed to demonstrate if there is a
8 connection between the shallow and deep aquifers.

9 7. In short, when complete, the groundwater modeling will shed additional light on the
10 extent to which hydrologic connectivity exists between the shallow and deep aquifers beneath
11 the property owned by Shadow Mountain Ranch, LLC, and between those aquifers and other
12 water sources of groundwater within the Centro Subarea of the Mojave Basin Area.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct, and this declaration is executed in Sebastopol, California, on April
15 2, 2026.

16 
17 _____
18 DAVID PETERSON

19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

Lee McElhaney

From: JoAnne Quihuis
Sent: Wednesday, March 25, 2026 2:42 PM
To: Ochoa, Adriana; Stender, Tracie; Eric Garner; Christopher Pisano; Alison Toivola; Markman, Jim; Jacob Metz; Yost, Geoff; McGlothlin, Russell; Timothy Mahar Jr., Esq.
Cc: Lee McElhaney
Subject: Mojave Basin Water Cases - Letter to Parties Re Trial Dates
Attachments: Letter to Parties Re TrialDates 03.25.26.pdf

Please see attached correspondence from attorney Lee McElhaney.

Sincerely,

P. JoAnne Quihuis

Legal Assistant to William J. Brunick & Leland P. McElhaney

Brunick, McElhaney & Kennedy, PLC

1839 Commercenter West

P.O. Box 13130

San Bernardino, California 92423-3130

jquihuis@bmklawplc.com

Telephone: (909) 889-8301

Facsimile: (909) 388-1889

This electronic mail may be subject to the attorney-client privilege, attorney work product or otherwise confidential. Any dissemination, copying or use of this e-mail by or to anyone other than the recipient designated by the sender is unauthorized. If you have received this electronic mail in error, please notify the sender by telephone or reply by electronic mail and delete this communication from your system.

BRUNICK, MCELHANEY & KENNEDY

WILLIAM J. BRUNICK
LELAND P. MCELHANEY
STEVEN M. KENNEDY

PROFESSIONAL LAW CORPORATION
1839 COMMERCENTER WEST
SAN BERNARDINO, CALIFORNIA 92408

TELEPHONE: (909) 889-8301
FAX: (909) 388-1889

MAILING ADDRESS:
POST OFFICE BOX 13130
SAN BERNARDINO, CALIFORNIA 92423-3130

March 25, 2026

Shunxing Weng
135 W. Newmark Ave., Apt. A
Monterey Park, California 91754

Jasper Young Kim
2665 Amber Wood Pl.
Thousand Oaks, California 91362

Jae Hwan Lee
1520 James M. Wood Blvd.
Los Angeles, California 90015

Adriana Ochoa, Esq.
arochoa@swlaw.com
Tracie E. Stender, Esq.
tstender@swlaw.com
SNELL & WILMER LLP

Eric L. Garner, Esq.
eric.garner@bbklaw.com
Christopher M. Pisano, Esq.
christopher.pisano@bbklaw.com
Alison K. Toivola, Esq.
alison.toivola@bbklaw.com
BEST BEST & KRIEGER LLP

James L. Markman, Esq.
jmarkman@rwglaw.com
Jacob C. Metz, Esq.
jmetz@rwglaw.com
RICHARDS, WATSON & GERSHON

Geoffrey H. Yost, Esq.
gyost@omm.com
Russell McGlothlin, Esq.
rmcglathlin@omm.com
O'MELVENY & MEYERS LLP

Timothy Mahar, Jr., Esq.
TINNELLY LAW GROUP
tmahar@tinnellylaw.com

**RE: *Mojave Water Agency, as the Mojave Basin Area Watermaster
vs. All persons, et al., etc.***
Mojave Basin Water Cases JCCP5265
San Bernardino County Superior Court No.: CIVSB2218461

Dear Counsel and Parties:

This communication is made pursuant to the Court's directive that, prior to the upcoming April 10, 2026 Trial Setting Conference, the parties and their counsel are to confer regarding potential dates for trial starting approximately six (6) months after April 10, 2026 (which would be approximately the week of October 12, 2026). I am available October 13 through October 27, and October 29 through November 6, 2026.

Please advise your availability during that time period, and any other dates you propose for trial. You may email me at: lmcelhaney@bmklawplc.com with a cc to my assistant at: jquihuis@bmklawplc.com.

Thank you.

Very truly yours,

BRUNICK, McELHANEY & KENNEDY PLC


LELAND P. McELHANEY

/lpm

EXHIBIT 2

Lee McElhaney

From: Stender, Tracie <tstender@swlaw.com>
Sent: Wednesday, April 01, 2026 7:40 AM
To: Christopher Pisano; JoAnne Quihuis; Ochoa, Adriana; Eric Garner; Alison Toivola; Markman, Jim; Jacob Metz; Yost, Geoff; McGlothlin, Russell; Timothy Mahar Jr., Esq.
Cc: Lee McElhaney
Subject: RE: Mojave Basin Water Cases - Letter to Parties Re Trial Dates

Morning,

We have no objection to the proposed dates.

Best,

Tracie Stender

O: 858.910.4795
tstender@swlaw.com

**SNELL
& WILMER**

swlaw.com | LinkedIn

From: Christopher Pisano <Christopher.Pisano@bbklaw.com>
Sent: Monday, March 30, 2026 11:32 AM
To: JoAnne Quihuis <jquihuis@bmklawplc.com>; Ochoa, Adriana <arochoa@swlaw.com>; Stender, Tracie <tstender@swlaw.com>; Eric Garner <Eric.Garner@bbklaw.com>; Alison Toivola <Alison.Toivola@bbklaw.com>; Markman, Jim <jmarkman@rwglaw.com>; Jacob Metz <jmetz@rwglaw.com>; Yost, Geoff <gyost@omm.com>; McGlothlin, Russell <rmcglathlin@omm.com>; Timothy Mahar Jr., Esq. <tmahar@tinnellylaw.com>
Cc: Lee McElhaney <lmcelhaney@bmklawplc.com>
Subject: RE: Mojave Basin Water Cases - Letter to Parties Re Trial Dates

[EXTERNAL] christopher.pisano@bbklaw.com

Lee: Thank you for starting the meet and confer process on this. My preference would be for the trial to occur the week of 10/12. Thanks.

Chris



Christopher Pisano
Partner
christopher.pisano@bbklaw.com
T: (213) 617-7492 | C: (213) 448-0667
bbklaw.com |

13

From: JoAnne Quihuis <jquihuis@bmklawplc.com>

Sent: Wednesday, March 25, 2026 2:42 PM

To: Ochoa, Adriana <arochoa@swlaw.com>; Stender, Tracie <tstender@swlaw.com>; Eric Garner <Eric.Garner@bbklaw.com>; Christopher Pisano <Christopher.Pisano@bbklaw.com>; Alison Toivola <Alison.Toivola@bbklaw.com>; Markman, Jim <jmarkman@rwglaw.com>; Jacob Metz <jmetz@rwglaw.com>; Yost, Geoff <gyost@omm.com>; McGlothlin, Russell <rmcglothlin@omm.com>; Timothy Mahar Jr., Esq. <tmahar@tinnellylaw.com>

Cc: Lee McElhaney <lmcelhaney@bmklawplc.com>

Subject: Mojave Basin Water Cases - Letter to Parties Re Trial Dates

Please see attached correspondence from attorney Lee McElhaney.

Sincerely,

P. JoAnne Quihuis

Legal Assistant to William J. Brunick & Leland P. McElhaney

Brunick, McElhaney & Kennedy, PLC

1839 Commercenter West

P.O. Box 13130

San Bernardino, California 92423-3130

jquihuis@bmklawplc.com

Telephone: (909) 889-8301

Facsimile: (909) 388-1889

This electronic mail may be subject to the attorney-client privilege, attorney work product or otherwise confidential. Any dissemination, copying or use of this e-mail by or to anyone other than the recipient designated by the sender is unauthorized. If you have received this electronic mail in error, please notify the sender by telephone or reply by electronic mail and delete this communication from your system.

SERVICE LIST

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

San Bernardino Superior Court Case No.: CIVSB2218461

Mojave Basin Water Cases JCCP5265

Shunxing Weng 135 W. Newmark Ave., Apt. A Monterey Park, California 91754	Defendant, In Pro Per
Jasper Young Kim 2665 Amber Wood Pl. Thousand Oaks, California 91362	Defendant, In Pro Per
Jae Hwan Lee 1520 James M. Wood Blvd. Los Angeles, California 90015	Defendant In Pro Per
Adriana Ochoa** Tracie E. Stender SNELL & WILMER LLP 3611 Valley Centre Drive, Suite 500 San Diego, California 92130 Telephone: (858) 434-5020 Facsimile: (858) 434-5006 E-Mail: arochoa@swlaw.com tstender@swlaw.com	Attorneys for Defendant, S.E. Combined Services of California, Inc. (Erroneously sued as SE Combined Services, Inc.)
Eric L. Garner** eric.garner@bbklaw.com Christopher M. Pisano christopher.pisano@bbklaw.com Alison K. Toivola alison.toivola@bbklaw.com BEST BEST & KRIEGER LLP 300 South Grand Avenue, 25 th Floor Los Angeles, California 90071 Telephone: (213) 617-8100 Facsimile: (213) 617-7480	Attorneys for Defendant, Shadow Mountain Ranch, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>RICHARDS, WATSON & GERSHON** James L. Markman Kyle H. Brochard Jacob C. Metz 350 South Grand Avenue, 37th Floor Los Angeles, California 90071</p> <p>Telephone: (213) 626-8484 Facsimile: (213) 626-0078</p> <p>E-Mail: jmarkman@rwglaw.com kbrochard@rwglaw.com jmetz@rwglaw.com</p>	<p>Attorneys for Defendant, The Fasoja Living Trust</p>
<p>Geoffrey H. Yost** Russell McGlothlin O'MELVENY & MEYERS LLP 1999 Avenue of the Stars, 8th Floor Los Angeles, California 90067-6035</p> <p>Telephone: (310) 553-6700 Facsimile: (310) 246-6779</p> <p>E-Mail: gyost@omm.com rmcglathlin@omm.com</p>	<p>Attorneys for Defendant, Buddhist Town, LLC</p>
<p>Timothy Mahar, Jr., Esq.** TINNELLY LAW GROUP 27101 Puerta Real, Suite 250 Mission Viejo, California 92691</p> <p>Telephone: (949) 588-0866</p> <p>E-Mail: tmahar@tinnellylaw.com dborrola@tinnellylaw.com</p>	<p>Attorneys for Specially-Appearing Petitioner Spring Valley Lake Associates</p>