

ROB BONTA
Attorney General of California
ERIC M. KATZ
Supervising Deputy Attorney General
NOAH GOLDEN-KRASNER
Deputy Attorney General
State Bar No. 217556
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Telephone: (213) 269-6323
Fax: (916) 731-2128
E-mail: Noah.GoldenKrasner@doj.ca.gov
*Attorneys for California Department of
Fish & Wildlife*

EXEMPT FROM FILING FEES
PER GOV. CODE, § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

CITY OF BARSTOW, et al.,

Plaintiffs,

v.

CITY OF ADELANTO, et al.,

Defendants.

And All Related Cross-Actions

Case No. CIV208568/JCCP 5265

**DECLARATION OF AARON JOHNSON
IN SUPPORT OF CALIFORNIA
DEPARTMENT OF FISH AND
WILDLIFE'S RESPONSE TO
WATERMASTER'S MOTION FOR
APPROVAL OF (1) PRODUCTION SAFE
YIELD CLASSIFICATIONS, AND 2)
FREE PRODUCTION ALLOWANCE
RECOMMENDATIONS FOR WATER
YEAR 2026-2027**

**[Concurrently filed with Response Brief
and Supporting Declaration of James
Blanke]**

Date: August 12, 2026

Time: 10:00 a.m.

Dept.: 1

Judge: Hon. Craig C. Riemer, Retired

Action Filed: November 21, 1990

Judgment Entered: January 10, 1996

DECLARATION OF AARON JOHNSON

I, Aaron Johnson, hereby declare:

1. I am presently employed with the California Department of Fish and Wildlife (CDFW) as a Senior Environmental Scientist and have been employed by CDFW for approximately eleven years. I have a Bachelor's Degree in Environmental Studies from the University of California, Santa Cruz. I have worked in various capacities in environmental sciences, land conservation, and land management for the past 20 years. I am currently the supervisor for the Lands North Program covering Mono and Inyo Counties, and portions of San Bernardino County for the Inland Deserts Region. A true and correct copy of my current resume is attached hereto as Attachment A.

2. In my capacity as Senior Environmental Scientist, my responsibilities include preparing, reviewing, and commenting on reports, documents, and data, both scientific and non-scientific; preparing correspondence; managing staff, budgets, and contracts; making recommendations as they relate to public trust resources on behalf of CDFW; and representing CDFW at meetings of various boards and commissions, including the Mojave Basin Watermaster Board (Watermaster Board).

3. I have been working on natural resource issues within the Mojave Basin for approximately five years, beginning in 2021. In my current capacity with CDFW, I am involved in the management of CDFW-owned lands in the Mojave Basin Adjudication, including Camp Cady Wildlife Area (Camp Cady) in the Baja Subarea (Baja) and Mojave Narrows Regional Park in the Alto Subarea (Alto). CDFW also owns and is responsible for managing the Mojave River Fish Hatchery in Alto.

4. CDFW is the State's trustee for its fish and wildlife resources. (See Fish & G. Code, § 711.7.) CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) In addition, CDFW is an ex-officio member of the Alto and

1 Baja Subarea Advisory Committees and is a party to the judgment in City of Barstow, et al. v.
2 City of Adelanto, et al., Riverside County Superior Court Case No. 208568 (Judgment).

3 5. At the time of the entry of the Judgment in 1996, the Mojave River system in the
4 adjudicated area supported numerous species of fish¹ and wildlife², including their habitats, which
5 depend on regular access to surface water and/or shallow groundwater, and other natural
6 processes associated with the desert river environment. These elements are protected by
7 numerous state and federal statutes that may be applicable to individual species and their habitats,
8 Public Trust Doctrine case law, and the intent and specific terms of the Judgment in Exhibit H
9 (“Exhibit H”, attached hereto as Attachment B.)

10 6. I am providing this declaration in support of CDFW’s Response to Watermaster’s
11 Motion for Approval of (1) Production Safe Yield Classifications, and (2) Free Production
12 Allowance (FPA) Recommendations for Water Year 2026-2027 (Watermaster’s Motion
13 hereinafter “2026-2027 FPA Motion”), Declaration of Robert C. Wagner in Support Thereof
14 (2026 Wagner Declaration) and supporting materials.

15 7. The following facts and opinions are true and correct to my knowledge and, if called
16 to testify, I could and would testify completely thereto. I make this declaration based on personal
17 knowledge and on my expert opinion as a Senior Environmental Scientist at CDFW.

18 8. On June 17, 2026, I participated in the Mojave River Basin Area Watermaster
19 (Watermaster) workshop to discuss the recently released June 5, 2026, Technical Memorandum
20 titled, “Production Safe Yield Update and Recommendation for Free Production Allowance for
21 Water Year 2026-27” (WY 2026-27 PSY and FPA Tech Memo) prepared by Robert C. Wagner,
22 Watermaster Engineer (Engineer), with Watermaster staff and the Engineer.

23 9. On June 18, 2026, in advance of the June 24, 2026, Watermaster meeting and public
24 hearings to receive comments and adopt the proposed recommendation for FPA for Water Year

25 _____
26 ¹ “Fish” means a wild fish, mollusk, crustacean, invertebrate, amphibian, or part, spawn,
or ovum of any of those animals. (CA Fish and Game Code §45)

27 ² “Wildlife” means and includes all wild animals, birds, plants, fish, amphibians, reptiles,
and related ecological communities, including the habitat upon which the wildlife depends for its
28 continued viability. (CA Fish and Game Code §89.5)

1 (WY) 2026-27 and draft Thirty-second Annual Report (Annual Report), I submitted a letter on
2 behalf of the CDFW expressing its opposition to the proposed FPA recommendations (CDFW
3 June 2026 letter). (A copy of CDFW's June 2026 letter is attached hereto as Attachment C) I also
4 summarized these comments in person at the Watermaster meeting during the public hearings on
5 June 24, 2026.

6 10. In my opinion and on behalf of CDFW, I make the following recommendations and
7 conclusions:

8 • Pumping should not be increased in any subarea when the Exhibit H,
9 Table H-2 (Table H-2), public trust resource protection criteria are not met within
10 that subarea, or connected downstream subareas, and significant impacts to public
11 trust resources have occurred at Camp Cady, including the local extirpation of
12 species and widespread loss of groundwater dependent habitats due to lowered
13 groundwater levels.

14 • The primary method in the Judgment to achieve the protection of
15 public trust resources in the Mojave Basin, including fish and wildlife, is to
16 maintain shallow groundwater conditions within the Exhibit H Figure H-1 (Figure
17 H-1) habitat areas at the Table H-2 riparian habitat monitoring wells, within the
18 maximum depth criteria specified therein (Attachment B). The maximum depth
19 criteria are not currently being met at wells located in both Alto and Baja.

20 • The Watermaster does not adequately consider public trust resources
21 in making its recommendations to increase FPA in Alto and Oeste. Watermaster
22 provides no evidence of consideration being given to public trust resources in
23 making its recommendation to increase FPA in Alto or Oeste. Due to the
24 interconnected nature of the subareas, to properly consider the public trust in
25 making a recommendation to increase pumping in any subarea, the Watermaster
26 must evaluate both local and downstream impacts of increased pumping,
27
28

1 including depletions of surface water and associated reductions in surface water
2 flow.

3 • CDFW recommends that the Watermaster share publicly its review of
4 public trust resources when making its annual FPA recommendation, including
5 any data used in this analysis, and that it publish its determination for each
6 subarea regarding “whether an increase [in FPA] would be detrimental to the
7 protection of public trust resources” (Exhibit H, paragraph 2a, p. H-1).

8 11. Based on my knowledge of the Mojave River system, declining groundwater levels
9 have caused widespread mortality within the stands of cottonwood, mesquite, and willows at
10 Camp Cady. These natural communities are the dominant groundwater dependent native
11 vegetation types that occur on the Mojave River. Between 1995 and 2024, the extent of Fremont
12 cottonwood forest in Camp Cady was reduced by 87% and cover of mesquite thickets was also
13 reduced by 48%, declining from 630 acres in 1995 to just 327 acres in 2024³. These habitat losses
14 are plainly visible in photographs as shown in Attachment D, Figures 1 and 2.

15 12. Habitat losses due to lowered groundwater levels at Camp Cady continues with an
16 additional 18 acres of cottonwood forest being lost between 2014 and 2024, and 97 acres of
17 mesquite lost during this period (Heacox et al. 2026).

18 13. Camp Cady was acquired by CDFW to protect the surface water and associated
19 riparian habitats. When running and pooled surface water was present, cottonwoods and willows
20 were abundant with a dense understory of mesquite. According to Department records, the
21 Mojave River typically surfaced in the center of Camp Cady and generally flowed from late
22 October to August. These surface flows later ceased because of the declining groundwater levels
23 and have not returned except for rare large storm events typically occurring in the winter
24 months.^{4, 5}

25 _____
26 ³ Heacox et al. 2026. Unpublished data from University of California, Riverside, Center
for Conservation Biology.

27 ⁴ CDFW. 2004. [Habitat Water Supply Management Plan for the Adjudicated Area of the
Mojave River Basin, San Bernardino County, California.](#)

28 ⁵ CDFW. 2005. Land Management Plan for Camp Cady Wildlife Area (Draft).

14. There have been extremely limited opportunities for reproduction and establishment of new native riparian vegetation to replace older plants that have died due to water stress, age, or disturbances such as flooding and wildfire, due to depressed groundwater levels and infrequent surface water from storm flows. Additionally, the depth to groundwater is so significantly depressed that CDFW's efforts to establish habitat and restore native vegetation at Camp Cady are reliant on supplemental irrigation which will not be successful at a meaningful scale until groundwater levels are recovered.

15. Due to the depressed groundwater levels at Camp Cady, and the resulting loss of riparian and surface water habitat to wildlife species, it is necessary to stabilize and recover groundwater levels for the protection of public trust resources. The Mojave River and associated habitats are critical to the survival of numerous plant and wildlife species in the arid Mojave Desert where such habitats are increasingly limited as the result of altered hydrology, climate change, wildfire, the spread of invasive species, and other factors. The impact of these habitat losses at Camp Cady has been significant to fish and wildlife that rely on it for reproduction and survival.

16. Cottonwood and willow trees on the Mojave River are healthiest when groundwater is between two and four feet of ground surface; mortality increases significantly where the water-table depth is greater than about seven feet.^{6,7} These phreatophytes can withstand periods of stress such as temporary reductions in the water table from seven to ten feet but prolonged periods of lowered groundwater results in near complete mortality (Attachment D, Figures 4a and 4b).⁸ Reproduction of cottonwoods and willows is essential for the continued persistence of these vegetation types and requires temporarily wetted areas and shallow groundwater (Lines 1999).

⁶ Lines, G and Bilhorn, T. 1996. [Riparian Vegetation and Its Water Use During 1995 Along the Mojave River, Southern California](#). *Water-Resources Investigations Report 96-4241*. U.S. Geological Survey

⁷ Lines, Greg. 1999. [Health of Native Riparian Vegetation and Its Relation to Hydrologic Conditions along the Mojave River, Southern California](#). *USGS Water Resource Investigation Report 99-4112*. U.S. Geological Survey.

⁸ See full citations in Johnson, Aaron. [Decl. in Support of CDFW's Response to Watermaster's Motion to Adjust FPA for the 2024-2025 WY](#), pp. 19, 22-24.

1 17. Mesquite trees are more tolerant of drier environments than cottonwoods and willows,
2 however, they are still reliant on good access to groundwater. Healthy mesquite occur where the
3 water table depth ranges from eight to ten feet; mortality increases significantly where
4 groundwater is reduced below ten feet (Lines 1999). Root sprouting by mesquite, as necessary for
5 reproduction, occurs where the water table is at about eight feet in the spring and will not occur if
6 groundwater depth exceeds about 20 feet (Lines 1999).

7 18. Groundwater levels in the Table H-2 wells at Camp Cady, wells H3-1 and H3-2, are
8 far below the specified water level criteria. At well H3-1 the Table H-2 water level criteria is not
9 to exceed 7 feet below ground. The latest reading available for H3-1 by Mojave Water Agency
10 (June 2, 2026), indicated a depth to water of 64.7 feet⁹. At well H3-2 the Table H-2 maximum
11 depth criteria is 1 foot above ground, indicative of surface flow, and the recent well measurement
12 reported a depth to water of 16.8 feet below ground¹⁰. The hydrographs for these wells indicate
13 that the depths to water have consistently declined over time and remain below the depths
14 identified in the Judgment. (Attachment D, Figures 3a and 3b)

15 19. Fremont cottonwood forest mixed with willow, and mesquite thickets support the
16 highest diversity and abundance of birds of all habitat types at Camp Cady. Due to the reduced
17 acreage and density of riparian forest and willow thickets, and loss of surface water habitat,
18 although the property previously would have provided suitable habitat for least Bells vireo (*Vireo*
19 *bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and yellow billed
20 cuckoo (*Coccyzus americanus occidentalis*), they now are only observed infrequently as
21 transients. All three of these bird species are listed as endangered under the California
22 Endangered Species Act (CESA).

23 20. Shallow and perennial surface water is also critical for numerous wildlife species
24 along the Mojave River. Southwestern pond turtles (*Actinemys pallida*) were common at Camp
25

26 ⁹ California Department of Water Resources, Water Data Library, [Groundwater Level](#)
27 [Report for Station 349283N1166459W004](#)

28 ¹⁰ California Department of Water Resources, Water Data Library, [Groundwater Level](#)
[Report for Station 349414N1166080W003](#)

1 Cady in the late 1990s as a breeding population, but the species has been determined to be locally
2 extirpated since approximately 2014.¹¹ The southwestern pond turtle is an Exhibit H Table H-1
3 species, a California Species of Special Concern, and proposed to be listed as threatened under
4 the federal endangered species Act (ESA). The species has been found to be at significant risk of
5 extinction.^{12,13} Desert (a.k.a. Nelson's) bighorn sheep (*Ovis canadensis nelsoni*), a Table H-1
6 species and fully protected by California law,¹⁴ rely on surface water from the lower Mojave
7 River in nearby Afton Canyon, which receives water from Baja, as a critical water resource.

8 PUBLIC TRUST RESOURCES OF THE MOJAVE RIVER

9 21. The Mojave River is strongly connected to the floodplain aquifer, and this aquifer
10 discharges water to the stream during dry periods and is also recharged almost entirely by the
11 stream during storm runoff¹⁵. The floodplain aquifer is the most productive aquifer in the Mojave
12 Basin and yields most of the groundwater pumped from the basin, groundwater levels are
13 influenced by pumping and recharge events¹⁶ (Lines 1996, p. 1; USGS 2001, p.24; Annual
14 Report, p. 28)

15 22. The Mojave River and associated floodplain aquifer (Mojave River) support areas of
16 riparian vegetation that require regular access to shallow groundwater. These riparian plants,

17
18 ¹¹ Cummings, K., Puffer, S., Holmen, J., Wallace, J., Lovich, J., Meyer-Wilkins, K.,
19 Petersen, C. and R. Lovich. 2018. Biodiversity of amphibians and reptiles at the Camp Cady
20 Wildlife Area, Mojave Desert, California and comparisons with other desert locations. [California](#)
21 [Fish and Game 104\(3\): 129-147.](#)

22 ¹² Lovich, J., Jefferson, G., Reynolds, R., Scott, P., Shaffer, H., Puffer, S., Greely, S.,
23 Cummings, K., Fisher, R., Meyer-Wilkins, K., Gomez, D., Ford, M., and C. Otahal. 2021.
24 Western pond turtles in the Mojave Desert? A review of their past, present, and possible future.
25 [Vertebrate Zoology 71: 317-334.](#)

26 ¹³ U.S. Fish and Wildlife Service. 2023. [Species status assessment report for the](#)
27 [northwestern pond turtle \(*Actinemys marmorata*\) and southwestern pond turtle \(*Actinemys*](#)
28 [pallida](#)), Version 1.1, April 2023. U.S. Fish and Wildlife Service, Ventura Fish and Wildlife
Office.

¹⁴ CA Fish and Game Code §4700

¹⁵ Lines, G. 1996. [Ground-Water and Surface-Water Relations along the Mojave River,](#)
[Southern California.](#) Water-Resources Investigations Report 95-4189. U.S. Geological Survey.

¹⁶ Stamos, C., Martin, P., Nishikawa, T., and B. Cox. (USGS) 2001. [Simulation of](#)
[Ground-Water Flow in the Mojave River Basin, California.](#) Water-Resources Investigations
Report 01-4002. U.S. Department of the Interior, U.S. Geological Survey.

1 which are dependent on groundwater (also known as “phreatophytes”) ¹⁷ support diverse wildlife
2 communities (CDFW 2004). Figure H-1, identifies two reaches of the Mojave River as valued
3 habitats to be protected. These areas were selected because the public trust resources there existed
4 in reasonable condition in the 1986-1990 period when water rights were being quantified under
5 the Judgment and the possibility of restoring habitat losses at the time of the Judgment in 1996
6 (CDFW 2004, p. 2). The Figure H-1 areas are not representative of the total extent of public trust
7 resources that existed on the river at that time, or that exist today.

8 23. The riparian and surface water habitats associated with the Mojave River provide
9 habitat for most of the 30 plants and wildlife species, some of which were included in the Exhibit
10 H Table H-1 list of species. Some of those species are also protected by state and federal laws
11 including, least Bell’s vireo, southwestern willow flycatcher, western yellow-billed cuckoo,
12 Mohave tui chub (*Siphateles bicolor mohavensis*), Arroyo toad (*Anaxyrus californicus*),
13 southwestern pond turtle, and desert bighorn sheep. Numerous common wildlife species also rely
14 on Mojave River and its associated habitats.

15 24. Exhibit H required CDFW to prepare the [Habitat Water Supply Management Plan](#)
16 identifying the water needs of the species listed in Table H-1, the Figure H-1 riparian habitat
17 areas, and directing the use of the Biological Resources Trust Fund, as needed to protect and
18 restore public trust resources in the Mojave Basin. (Exhibit H, paragraph 3b, pp. H-2, H-3) This
19 plan was completed by CDFW in 2004 and subsequently accepted by the Watermaster.

20 PUMPING IMPACTS AT CAMP CADY

21 25. Researchers with the University of California Riverside Center for Conservation
22 Biology recently provided CDFW with detailed mapping comparing vegetation at Camp Cady in
23 the years 1995 to 2024, using modern methods of vegetation mapping and classification and
24 aerial imagery from both time periods. The mapping shows that the extent of Fremont
25 cottonwood forest was reduced from 110 acres in 1995 to just 14 acres (-87% change) and that
26

27 ¹⁷ Robinson, T. 1958. Phreatophytes. Geological Survey Water-Supply Paper 1423. U.S.
28 Department of the Interior, U.S Geological Survey. <https://doi.org/10.3133/wsp1423>

mesquite thickets were reduced from 630 acres to 327 acres (-48% change) at Camp Cady in 2024 (Heacox et al. 2026).

26. As established above, groundwater levels at Camp Cady are far below the specified Table H-2 water level criteria in the Figure H-1 habitat areas and significant impacts to groundwater dependent fish and wildlife and their habitats have occurred.

27. The Habitat Water Supply Management Plan confirms that the public trust protection objectives at Camp Cady were to: 1) as a near term goal, arrest water level declines and recover shallow groundwater, and surface water, in the “middle reach” near the H3-2 well where groundwater was within 3 feet of ground surface; and 2) as a long term goal, to restore shallow groundwater levels adequate to support riparian vegetation (within 7 feet of ground surface) in the vicinity of the H3-1 well (CDFW 2004, pp.14-15).

28. Significant reductions in surface water flow to Baja have occurred in the last 30 years relative to what was measured during the 1931-1990 hydrologic base period at the Barstow gage.^{18,19} Storm flow to Baja down the Mojave River is the primary source of groundwater recharge to that subarea and the stability and recovery of groundwater levels in Baja is influenced by pumping in the upper subareas (USGS 2001, Blanke 2026).

29. The 2001 USGS model report observed that “Ground-water pumping of the floodplain aquifer induces increased recharge to the ground-water system from the Mojave River where streamflow is available. However, the increased amount of ground-water recharge from the river in upstream reaches causes a depletion in streamflow, thereby reducing the amount of streamflow available for ground-water recharge to downstream reaches (USGS 2001, pp.41-42). The reduced water supply in Baja has impacted public trust resources by reducing groundwater recharge from stormflow events, harming public trust resources in Baja, and at Camp Cady specifically. The interconnected nature of the subareas along the Mojave River, including pumping induced stream depletions, necessitates careful evaluation of increases in pumping upstream.

¹⁸ Mojave Water Agency Watermaster, [Production Safe Yield & Consumptive Use Update](#), Appendix E – Baja Subarea Water Supply Update, Table 2, p. 72 (February 28, 2024)

¹⁹ Blanke, J. [Decl. of James Blanke in Support of CDFW’s Opposition to Change Base Period](#) (March 5, 2026), p. 7

1 30. CDFW has worked diligently to protect public trust resources at Camp Cady and
2 elsewhere on the Mojave River as consistent with the Judgment and Habitat Water Supply
3 Management Plan, using the Biological Resources Trust Fund, as well as state resources. This has
4 included the acquisition of additional water rights at Camp Cady and the Palisades Ranch
5 conservation property, ongoing habitat management and restoration efforts, and expert led studies
6 to document and understand the current status, distribution, and life history characteristics of
7 habitats and wildlife species as needed to ensure their recovery in the Mojave River system if
8 suitable conditions exist in the future. The efforts of CDFW will not succeed until shallow
9 groundwater conditions are restored by properly managing groundwater in the Basin as a whole.

10 **PUMPING IMPACTS IN ALTO**

11 31. The Habitat Water Supply Management Plan states that “The first and primary goal
12 for the Upper and Middle Reaches [in Alto] is to stop any further water level declines. This would
13 maintain the vegetative corridor and the existing surface water flow as seen in 2003, but not
14 return the 1986 conditions” (CDFW 2004, p. 7). Wells in Alto associated with the Mojave River
15 Figure H-1 habitat areas have not been consistently maintained within the shallow Table H-2
16 water level criteria after the adjudication and were below the maximum depths many years since
17 1996.²⁰

18 32. The Table H-2 water level criteria are not currently met at the H1-1 well in Alto
19 below the Mojave Narrows and are only very narrowly met at the H1-2 well upstream of the
20 Mojave Narrows Regional Park. The most recent available MWA well reading at H1-2 taken on
21 November 19, 2025²¹, indicated a depth to water that was only 0.2 feet above the 7-foot
22 maximum depth criteria and trending downward (Blanke, pers. comm.). CDFW has noted the
23 discussion of the H1-2 well in the Annual Report and desires to resolve the issue of the
24 discrepancy in elevations with the Watermaster as soon as possible by implementing the
25 recommendation in Mr. Blanke’s memorandum on this subject (Blanke 2025, Attachment 2).

26 _____
27 ²⁰ Blanke, J. [Declaration of James Blanke in support of CDFW’s Response to](#)
[Watermaster’s Motion to Adjust FPA for the WY 2025-26](#) (July 22, 2025), p. 4

28 ²¹ California Department of Water Resources, Water Data Library, [Groundwater Level](#)
[Report for Station 345012N1172606W002](#)

33. The Watermaster has not provided information to indicate that consideration was given to the effect of increasing FPA on public trust resources in Alto, or the effects of such increased pumping on the other subareas downstream as required by Exhibit H, paragraph 2a (Attachment B, p. H-1). Watermaster must provide the analysis that was conducted to consider public trust resources in making the recommendation to increase FPA in Alto, and what that assessment concluded as to whether increased pumping would be detrimental to public trust resources in Alto or in other downstream subareas, or not.

CONCLUSIONS

34. CDFW does not find that an increase in FPA in Alto is warranted based on the evidence provided by the Watermaster. The 1931 to 1990 hydrologic base period was used by the Watermaster when it argued persuasively that an FPA of 50% of base annual production (BAP) was appropriate for Alto in the WY 2023-24. FPA in Alto should be held steady at 50.4% of BAP and not increased until there is compelling evidence that 1) pumping in Alto is in balance with natural water supply and imported water as evidenced by stability of groundwater levels in the floodplain aquifer, 2) shallow groundwater levels associated with the Mojave River are sufficient to support the protection of public trust resources, and 3) it is demonstrated that increased pumping in Alto will not worsen the already severely depressed water levels downstream at Camp Cady.

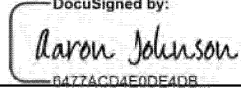
35. CDFW believe that it is inappropriate for the Watermaster to increase pumping in Alto and Oeste without first completing the new basin-wide model. As acknowledged by Watermaster and agreed by CDFW, the updated model is necessary to inform key elements of the subarea water budgets, particularly in Baja. The model is also needed to understand the effects of increased pumping on the water reaching Baja from the upstream subareas, and the public trust resources located there, particularly when the flow to Baja has decreased substantially in the last 30 years.

36. In conclusion, CDFW opposes Watermaster's recommendations to increase FPA in Alto and Oeste. CDFW does not find that the evidence provided by the Watermaster supports

1 increasing PSY or FPA in those subareas. The loss of groundwater dependent habitats and species
2 along the Mojave river, which is ongoing, requires careful consideration of the impacts of
3 increased pumping in any subarea on the protection of public trust resources.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct to the best of my knowledge.

6 Executed this 21st day of July 2026, in Bishop, California.

7 
8 AARON JOHNSON

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ATTACHMENT A

Aaron P Johnson
(760) 872-1171

EDUCATION

Bachelors Degree in Environmental Studies, Highest Honors
University of California, Santa Cruz (UCSC), June 2005
Merrill College Honors (UCSC)

TRAININGS/CERTIFICATIONS

Water Measurement Devices and Methods, UC Cooperative Extension
Measuring and Monitoring Rare Plant Populations, CDFW
Vegetation Rapid Assessment, California Native Plant Society
Wildland Weed Mapping Methods, Utah State University

PROFESSIONAL EXPERIENCE

California Department of Fish and Wildlife (CDFW), Senior Environmental Scientist. Supervise and oversee the CDFW Inland Deserts Region's northern lands program staff in a variety of complex activities related to management of CDFW lands, water rights, and related activities. I am responsible for the overall planning, analysis, and preparation of land conservation documents, land management plans, and associated maintenance and restoration projects for state owned and managed properties in Inyo, Mono, and northern San Bernardino Counties, and ensure environmental compliance for the program. This includes the preparation of environmental documents, grant requests, contracts, special use agreements, and various assorted reporting, including local, state, and federal environmental compliance and coordination such as required under CEQA, CESA, LSA and NEPA (10/2021-present).

Environmental Scientist. As an Environmental Scientist at Range C in the CDFW lands program I supported the Senior Environmental Scientist in various planning and analysis tasks including the preparation of land conservation documents, land management plans, and maintenance and restoration projects for CDFW properties, and completed environmental review and compliance tasks and documents. I served as lead person for the Wildlife Habitat Supervisor, Scientific Aids, and Wildlife Habitat Assistant coordinating day-to-day work assignments and priorities (1/2015-9/2021).

Eastern Sierra Land Trust, Lands Director. In this position I directed the land conservation and stewardship programs of a non-profit land conservation organization. The position involved managing complex real estate transactions to protect land and water resources, coordinating closely with private landowners and partner agencies, and grant writing and management. I conducted annual monitoring of all land trust properties and easements, completed monitoring reports, prepared resource inventories and reports and plans based on field data, interviews, and coordination with resource management agencies. The position required strong organizational skills, project management, and daily written and verbal communication (10/2008-12/2014).

USDA, Exotic & Invasive Weed Research Unit. Biological Science Technician. In this position I supported USDA Agricultural Research Service (ARS) efforts to develop a remote sensing/GIS spatial plant ecology program while also participating in regular botanical fieldwork to support the research of my unit. My regular office duties included hyperspectral remote sensing image processing, GIS mapping and analysis, data collection flight planning, as well as plant ecology lab work. Fieldwork included quantitative plant ecology data collection tasks related to the population demography of invasive plants, GPS spatial data collection, as well as supervision of volunteers on mapping projects (10/2007 - 10/2008).

City of Boulder, Open Space & Mountain Parks. Vegetation Management Crew Leader. This position included budgeting, hiring and training of the crew, as well as daily supervision. The office component of this position included project planning, GIS data management, quality assurance, and report writing. This work also included planning for and managing daily weed removal work projects, plant identification, detailed project tracking and reporting, designing, and implementing monitoring plans, as well as educating the public and local landowners (3/2006 - 9/2007).

ATTACHMENT B

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EXHIBIT H

BIOLOGICAL RESOURCE MITIGATION

BIOLOGICAL RESOURCE MITIGATION

c. The Harvard/Eastern Baja Subarea reach of the Mojave River that extends west to east, from Harvard Road to the Iron Ranch/Iron Mountain area (0.5 miles east of the west line of Section 20, Township 10 North, Range 4 East).

a. Pursuant to Paragraph 24(o) of the Judgment, the Watermaster in recommending an adjustment in Free Production

1 Allowance, shall compare the Free Production Allowance with the
2 estimated Production Safe Yield. In the event the Free Production
3 Allowance exceeds the estimated Production Safe Yield by five
4 percent or more, Watermaster shall recommend a reduction of the
5 Free Production Allowance equal to a full five percent of the
6 aggregate Subarea Base Annual Production. In considering whether
7 to increase or decrease the Free Production Allowance in a Subarea,
8 Watermaster shall, among other factors, take into consideration for
9 the areas shown on Figure H-1 the Consumptive Use of water by
10 riparian habitat, the protection of public trust resources,
11 including the species listed in Table H-1 and the riparian habitat
12 areas shown on Figure H-1, and whether an increase would be
13 detrimental to the protection of public trust resources.

14 b. If, pursuant to Paragraph 27, Watermaster buys or
15 leases Free Production Allowance in the Baja Subarea below the
16 Calico-Newberry Fault to satisfy the need for Replacement Water,
17 priority shall be given to purchases or leases that will result in
18 reducing Production in or near the area described in Subparagraph
19 1(c) of this Exhibit.

20 c. Pursuant to Paragraph 2 of Exhibit "G", Watermaster
21 shall purchase Replacement Water to maintain Groundwater levels in
22 the Transition Zone.

23 3. Additional Protection Pursuant to Trust Fund Established
24 by Watermaster Using the Proceeds of Biological Resource
25 Assessments.

26 a. Watermaster shall establish a Biological Resources
27 Trust Fund account for the benefit of the riparian habitat areas
28 shown on Figure H-1 and the species listed on Table H-1. To

1 establish and maintain the Trust Fund Watermaster shall levy
2 against each acre-foot of Production within the Basin Area, other
3 than Production by the California Department of Fish and Game
4 (DFG), a Biological Resource Assessment of fifty cents (\$0.50)
5 (1993 dollars) to be collected at the same time and in the same
6 manner as the Administrative Assessment, except that no Biological
7 Resources Assessment shall be levied whenever the Trust Fund
8 account balance exceeds \$1,000,000 (1993 dollars).

9 b. Watermaster shall make funds held in the Biological
10 Resources Trust Fund available to DFG only in the event that
11 Groundwater levels are not maintained as set forth in Table H-2.
12 Watermaster shall take action to acknowledge any proposed
13 expenditure from the Biological Resources Trust Fund by DFG. Such
14 Watermaster action shall be subject to the review procedures set
15 forth in Paragraph 36 of the Judgment, provided that any motion
16 made pursuant thereto and any Court disapproval of such Watermaster
17 action and proposed DFG expenditure may be based only: 1) on the
18 ground that the Groundwater levels set forth in Table H-2 are being
19 maintained; and/or 2) the ground that the proposed expenditure is
20 not for any of the purposes set forth in Subparagraphs 3.b.(i),
21 (ii), or (iii) below in this Exhibit. The Biological Resources
22 Trust Fund may be used only for the following purposes and only in
23 the three areas identified on Figure H-1:

24 1. not to exceed \$100,000 for the preparation by DFG of
25 a DFG habitat water supply management plan, which plan shall
26 include the water needs of the species listed in Table H-1 and
27 the riparian habitat areas shown on Figure H-1.
28

1 ii. the purchase or lease by DFG of Supplemental Water
2 or the lease or purchase of DFG of Base Annual Production
3 Rights to be used to meet riparian habitat water needs of the
4 species listed in Table H-1 and the riparian habitat areas
5 shown on Figure H-1.

6 iii. the construction, repair and replacement of wells or
7 other facilities identified in the plan prepared pursuant to
8 Subparagraph (i), above, and/or any other measures necessary
9 to implement the plan.

10 DFG shall not prepare or make any expenditure from the trust fund
11 for the payment of administrative overhead or staff of DFG.

12 4. DFG agrees that absent substantial changed circumstances,
13 DFG shall not seek to modify the provisions of this Judgment in any
14 way to add to or change the above-stated measures to protect the
15 referenced species or habitat. Nothing stated in this Judgment or
16 in this Exhibit "H" is intended nor shall be deemed to relieve any
17 Party hereto from any obligation or obligations not specifically
18 referenced in this Exhibit H. Nothing in this Judgment or in this
19 Exhibit H is intended or shall be construed to be a waiver by the
20 State or any of its departments or agencies, including DFG, of its
21 rights and obligations under the common law, the public trust
22 doctrine, the constitution, statutes and regulations to preserve,
23 protect or enhance the natural resources of the State including
24 rare, threatened or endangered species or species of concern.

TABLE H-1

2026 Decl. of Aaron Johnson, Attachment B

LIST OF SPECIES

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Purple Monkeyflower	6							
Mohave Monkeyflower	6		6	6	6	6		
Mohave Tarweed	5							
Desert Cymopterus	6							
Barstow Woolly Sunflower					6	6		
Victorville Shoulderband	6	6						
Mohave Tui Chub							1, 3	
California Red-legged Frog	6	6	6	6				
Southwestern Pond Turtle	6		6	6		6	6	6
Desert Tortoise	2, 4		2, 4	2, 4	2, 4	2, 4		
San Diego horned Lizard	6							
Cooper's Hawk	8	8						
Ferruginous Hawk	8	8						
Swainson's Hawk	4	4						
Bald Eagle	1, 3	1,3						
Merlin	6, 8	6, 8						
Prairie Falcon	6, 8	6, 8	6, 8	6, 8	6, 8	6, 8		
Western Yellow-billed Cuckoo	3, 7			3, 7	3, 7			
Southwestern Willow Flycatcher	8							
Brown-crested Flycatcher		8						
Vermillion Flycatcher	8					8	8	8
Le Conte's Thrasher	8							
Least Bell's Vireo	1, 3							1, 3

TABLE H-1
LIST OF SPECIES
(CONT'D)

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Yellow Warbler	9							
Yellow-breasted Chat	8	8			8	8		
Summer Tanager	8	8						8
Pale Big Eared Bat	8							
Mohave Ground Squirrel	4, 6		4, 6	4, 6				
Mohave Vole			6	6				
Nelson's Bighorn Sheep					10	10		10
TOTAL NUMBER OF SPECIES = 30								
TOTAL NUMBER OF SPECIES IN EACH AREA:	25	11	7	8	7	8	3	5

- 1 = Federally Endangered
 2 = Federally Threatened
 3 = State Endangered
 4 = State Threatened
 5 = Federal Category: 1
 6 = Federal Category: 2
 7 = Federal Category: 3b
 8 = State: Special Concern
 9 = State: Sensitive
 10 = State: Fully Protected

TABLE H-2**RIPARIAN HABITAT MONITORING WELL
WATER LEVEL CRITERIA**

ZONE	WELL NUMBER	MAXIMUM DEPTH BELOW GROUND
Victorville/Alto	H1-1	Seven (7) Feet
Victorville/Alto	H1-2	Seven (7) Feet
Lower Narrows/Transition	H2-1	Ten (10) Feet
Harvard/Eastern Baja Riparian Forest Habitat	H3-1	Seven (7) Feet
Harvard/Eastern Baja Surface Water Habitat	H3-2	Plus One (1) Foot (1705 Ft msl)*

- * Surface Water Habitat water surface elevation of 1705 ft. msl is approximate pending ground elevation survey.

FIGURE H-1: VICTORVILLE - ALTO RIPARIAN ZONE

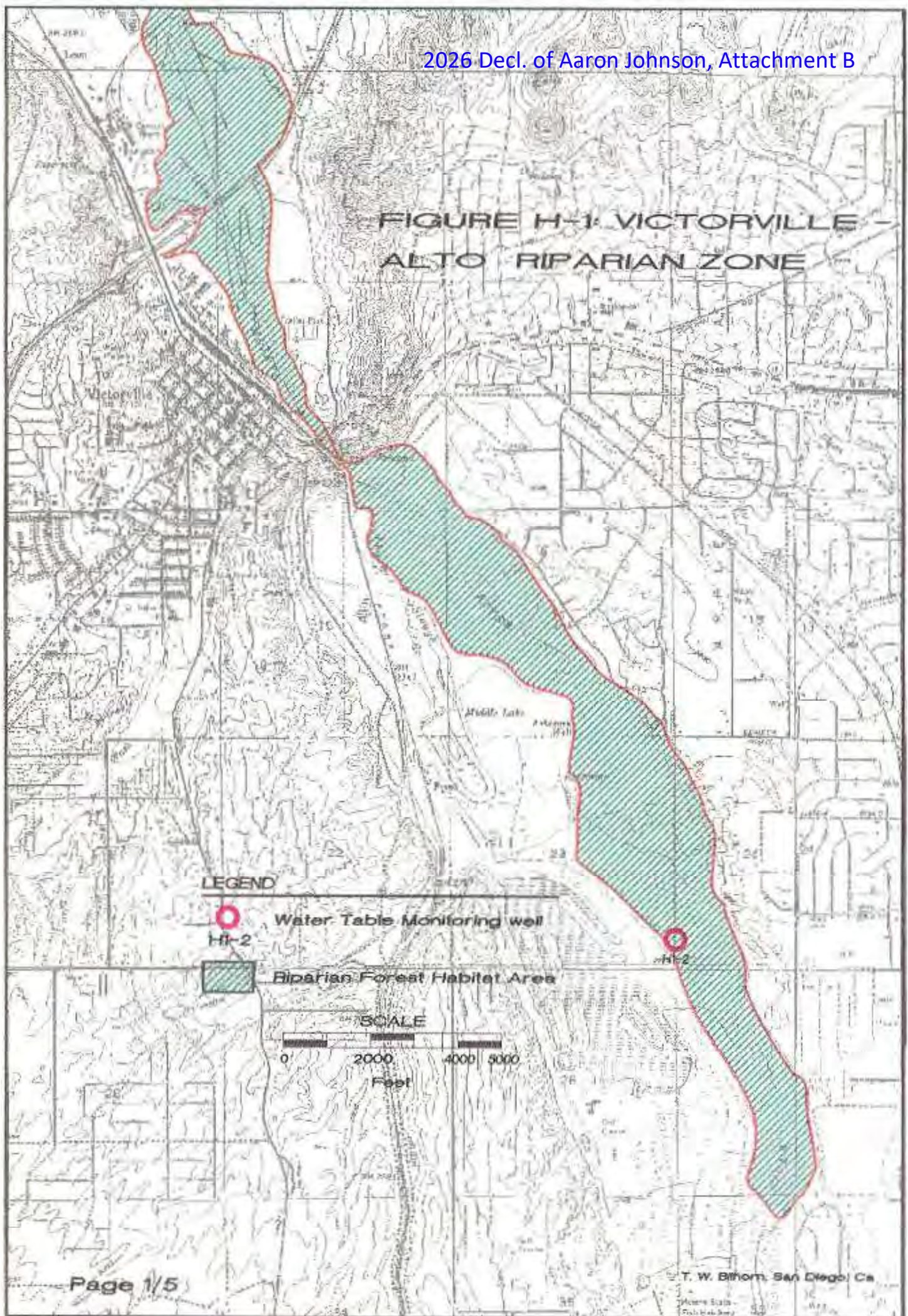


FIGURE H-1: LOWER NARROWS - TRANSITION RIPARIAN ZONE

LEGEND



Water Table Monitoring well

H1-1



Riparian Forest Habitat Area

SCALE

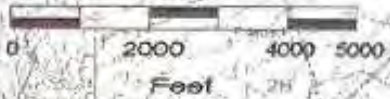


FIGURE H-1: LOWER
NARROWS-TRANSITION
RIPARIAN ZONE

LEGEND



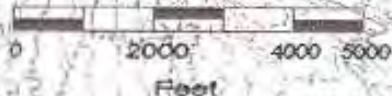
Water Table Monitoring well

H2-1



Riparian Forest Habitat Area

SCALE



Feet

FIGURE H1-TRANSITION RIPARIAN ZONE

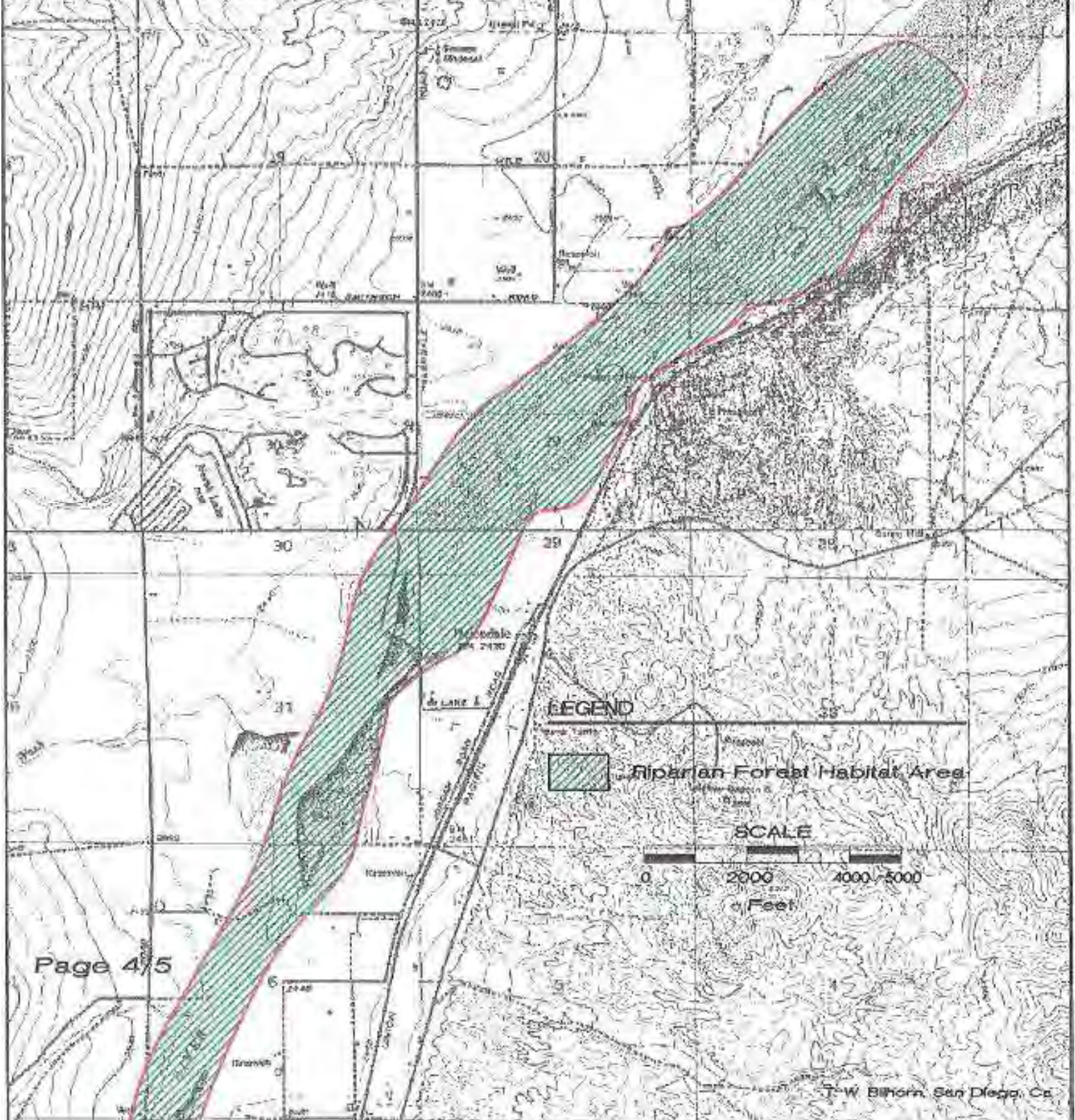
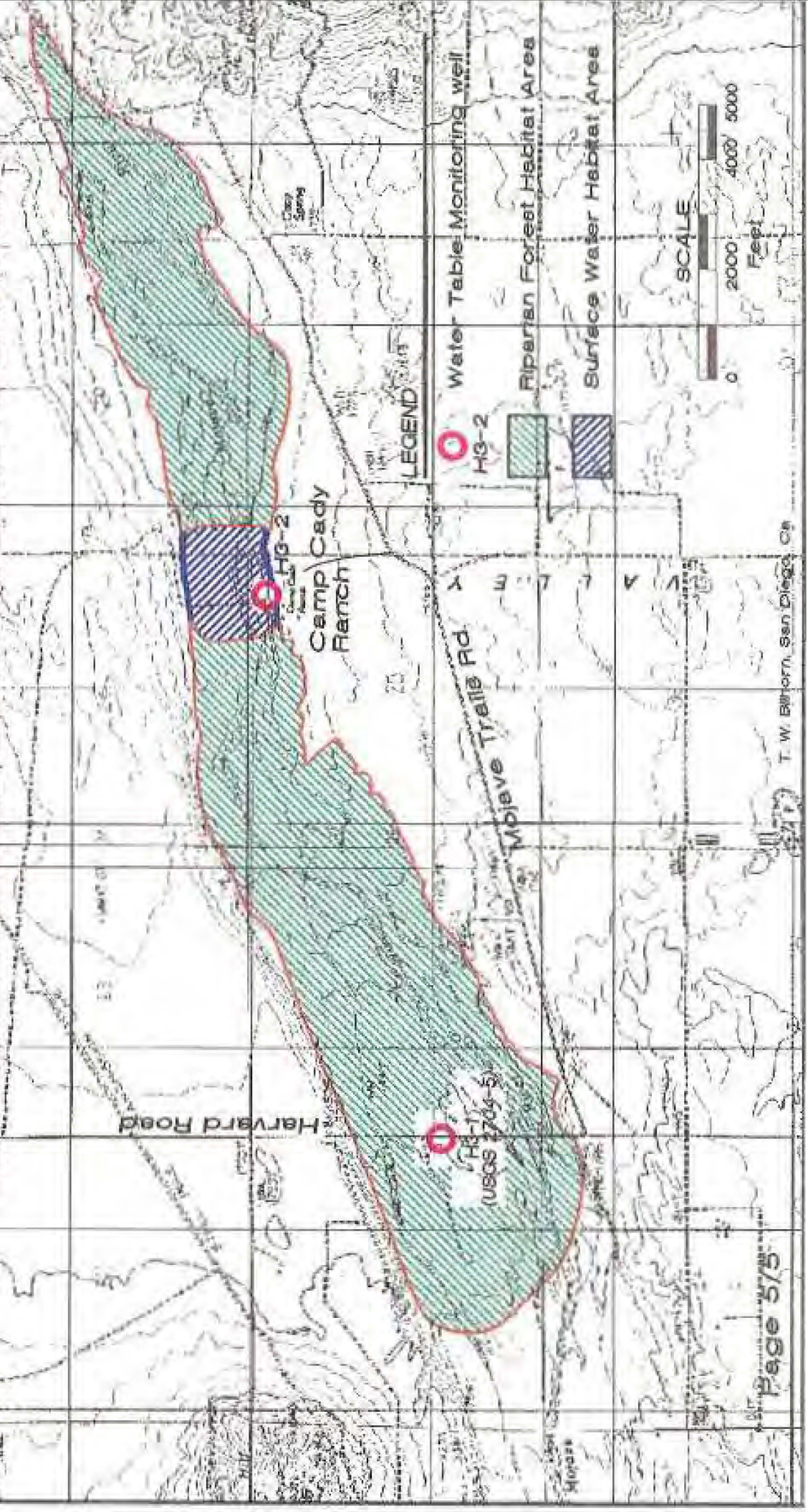


FIGURE H-1: HARVARD/EASTERN BAJA RIPARIAN ZONE



ATTACHMENT C

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



2026 Decl. of Aaron Johnson, Attachment C

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

787 N. Main St., Suite 220
Bishop, CA 93514
wildlife.ca.gov

June 18, 2026

Mojave Basin Area Watermaster
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377

Subject: Comments on the Proposed Recommendations for Production Safe Yield and Free Production Allowance for Water Year 2026-2027

Dear Watermaster Board Members,

The California Department of Fish and Wildlife (CDFW) has reviewed the Watermaster Engineer's (Engineer's) proposed production safe yield (PSY) update and recommendation for free production allowance (FPA) for Water Year (WY) 2026-2027 as described in the June 5, 2026, technical memorandum "Production Safe Yield Update and Recommendation for Free Production Allowance for Water Year 2026-27" (2026-27 PSY and FPA Memo). CDFW has also reviewed the June 1, 2026, draft "Thirty-second Annual Report of the Mojave Basin Area Watermaster Water Year 2024-25" (32nd Annual Report). CDFW hereby submits its comments to the Mojave Basin Watermaster Board (Watermaster) regarding the PSY update and FPA recommendations, in advance of the Board's June 24, 2026 public hearing to receive comments and adopt the proposed PSY and FPA for WY 2026-2027.

CDFW ROLE

CDFW is the trustee agency for the state's fish and wildlife resources and is a party to the Judgment After Trial, dated January 10, 1996 (Judgment). CDFW is also a landowner in two of the five subareas in the Judgment, the Baja and Alto Subareas. In Baja, CDFW owns the Camp Cady Wildlife Area (Camp Cady), and in Alto, CDFW owns the Mojave Narrows Regional Park and Mojave River Fish Hatchery. CDFW worked closely with the settlement parties on the development of the Judgment and in particular Exhibit H, which among other things establishes the shallow groundwater level criteria necessary to maintain and protect

public trust resources associated with the Mojave River system, including sensitive riparian resources and species.

COMMENTS ON WATERMASTER RECOMMENDATION

CDFW has reviewed the Engineer's 2026-27 PSY and FPA Memo and supporting documents, as well as the Watermaster's 32nd Annual Report. CDFW strongly disagrees with the Engineer's recommendation that significant increases in FPA are warranted in the Alto and Oeste subareas based on the new PSY estimates. The WY 2026-27 FPA recommendations are not consistent with the intent of the adjudication to "protect public interest and public trust concerns" (Judgment, pg. 21), the requirement of the Judgment in Exhibit H-1 paragraph 2a to consider the protection of public trust resources in making FPA recommendations, and furthermore, such significant increases in FPA are contrary to the Court's June 2024 Ruling on FPA.

Further, until the new, updated basin-wide model is complete and found to be acceptable for its intended use, it is inappropriate to allow increased pumping in Alto and Oeste, without the crucial data that the basin-wide model will provide on the effects of additional pumping in Alto and Oeste on the water reaching Centro and Baja from those subareas. We already know that the surface flow to Baja has decreased substantially since the Judgment was entered due, in part, to decreasing groundwater levels in Alto and Centro. The Watermaster must therefore wait for the updated model when a clearer picture of the Alto and Oeste pumping will be available.

In Alto, the 2026-27 PSY and FPA Memo proposes a 4.1% increase in FPA to 54.5% of base annual production (BAP) for WY 2026-27 based on a new PSY analysis conducted to revert to the hydrologic base period of 1931-1990 as ordered by the Court. This base period was last used by the Engineer in preparation for the WY 2023-2024 FPA recommendations, at which time the Engineer concluded that an FPA of 50% of BAP was appropriate for a period of 5 years, after reducing the Table 5-1 subarea hydrologic inventory (subarea water budget) water supply for Alto down to 70,237 acre-feet (AF). Now, returning to the same initial base period, the Engineer indicates that the water supply has increased by 8,749 AF per year to

78,986, citing the 2001 Stamos USGS model¹. In 2023 the PSY for Alto was estimated at 59,409 AF, significantly lower than the 63,442 AF now proposed. The Stamos model is a useful reference, however this information has been available for use by the Watermaster for 25 years and it is not clear why that information was not considered relevant sooner in Alto, particularly when the Engineer concurrently notes that the values for water supply in the Stamos model are not useful in Este and Oeste.

In Oeste, the 2026-27 PSY and FPA Memo recommends an increase in FPA of 6.9% to 51.9% of BAP, while in Este the Engineer recommends a 5% decrease in FPA to 40% of BAP; while also stating that observed water levels are stable in both subareas and therefore changes in storage are near zero. CDFW does not find that the information provided illustrates convincing evidence of stable groundwater conditions in either Este or Oeste. Numerous wells in Este and Oeste continue to show declining groundwater levels.

In Oeste and Este, the Engineer proposes relying on the visual interpretation of water level data in selected wells as the primary indicators of PSY and FPA. As we have previously stated for Baja, CDFW objects to a mixed method approach of using the interpretation of water level data to set PSY for some subareas, and the water budget approach for others. While groundwater level data is useful to evaluate water budget results, substituting groundwater levels for water budget components can result in internal inconsistencies and potential double-counting of water supplies. It is well established that the subareas are connected, and the individual subarea water budgets include subsurface and surface flows between subareas. The use of groundwater levels instead of the water budget in some subareas undermines the water budget components of neighboring subbasins. CDFW recommends that Watermaster should instead rely on the Judgment Table C-1 (Annual Report Table 5-1) water budget method for all subareas, using the best available information for the elements of each line, and focus on conducting further investigations and modeling to make necessary changes where indicated by a departure in anticipated real world measured values including wells and surface water gages. In addition to visual interpretation of well data (hydrographs), Watermaster should rely on statistically robust methods to provide a more reliable assessment of groundwater trends and changes in storage from the available

¹ Stamos, C., Martin, P., Nishikawa, T., and B. Cox. 2001. Simulation of Ground-Water Flow in the Mojave River Basin, California. *Water-Resources Investigations Report 01-4002*. U.S. Department of the Interior, U.S. Geological Survey. https://pubs.usgs.gov/wri/wri014002/pdf/wri014002_ver3.pdf

well data, and use this information to inform and revise the elements of the subarea water budgets rather than substituting water levels for this important accounting.

In Baja, the 2026-27 PSY and FPA Memo indicates an increase in FPA of 5% to 24.5% of BAP, but acknowledges that public trust resource protection concerns exist and instead proposes leaving FPA at 19.5%. CDFW appreciates this consideration to public trust resources in this subarea, however, due to the interconnected nature of the subareas the Watermaster must also consider how the increased pumping in the upstream subareas affects downstream subareas such as Baja, including depletions of surface water and associated reductions in surface water flow. In 2023, in the 29th Annual Report, Table 5-1, the Watermaster indicated that the total water supply for Baja was 19,039 AF with a resulting PSY of 12,189 AF, which was subsequently approved by the Court and has been in use each year since. For WY 2026-27 the Engineer has increased total water supply for Baja to 22,320 and dramatically increased the indicated PSY by over 4,000 AF to 16,211 AF despite using the same 1931-1990 base period. This increase in water supply is not supported by the evidence provided and is contrary to the Watermaster's 2024 PSY Update, Appendix E for Baja, which acknowledged the significantly reduced inflow to Baja as measured at the Barstow gage that has occurred in the last 30 years. Storm flow to Baja down the Mojave River is the primary source of groundwater recharge to that subarea and the stability and recovery of groundwater levels in Baja is influenced by pumping in the upper subareas as was also illustrated by the Stamos model.

As CDFW stated in 2024 in response to Watermaster's first proposal to increase FPA in two subareas, Alto and Centro, it is improper to increase pumping when the public trust resource protection objectives of the Judgment are not being met either within those subareas or downstream subareas that depend on outflow from the upstream subareas. The primary method to achieve the protection of public trust resources in the Mojave Basin, including fish, plants, and wildlife, is to maintain shallow groundwater conditions at the five specific groundwater monitoring sites within the maximum depths that were established in the riparian habitat monitoring well water level criteria shown in Table H-2 in Exhibit H to the Judgment. The Judgment states that "the Physical Solution must be implemented to seek to achieve water table standards set forth in Table H-2 which were proposed by [CDFW] as being necessary to maintain and [conserve] the riparian resources in the areas shown on Figure H-1" (Exhibit H, p. H-1). These maximum depth standards are supported by a significant body of scientific literature that underscores the importance of maintaining shallow groundwater levels within these depth criteria to meet the water needs of groundwater dependent natural communities such as riparian forests dominated by cottonwoods, willows, as well as mesquite bosques.

Monitoring Well	Location	Max Depth (ft)*	Last Measured Depth (ft), Fall 2025	Difference from max depth (ft)
H1-2	Alto (Mojave Narrows Regional Park)	2762.37** (- 7 ft)	2762.52	+0.2
H1-1	Lower Narrows	2632.15 (- 7 ft)	2625.31	-6.84 ft
H2-1	Lower Narrows/ Transition Zone	2498.49 (- 10 ft)	2503.76	+5.27
H3-1	Baja (Camp Cady)	1743.30 (-7 ft)	1686.10	-57.2
H3-2	Baja (Camp Cady)	1702.44 (+1 ft)	1684.67	-17.77

* Ground surface elevations from CA Dept. of Water Resources, Water Data Library. **CDFW finds that the 2762.37 feet is the correct maximum depth for H1-2 based on available information. See [2025 Blanke FPA Declaration attachment 2](#).

As the table above shows, the Table H-2 maximum depth water level criteria are not currently being met at the H1-1 well in Alto and are only very narrowly met at the H1-2 well, with levels trending downward. In Baja, the groundwater levels at H3-1 and H3-2 are far below the maximum depth and significant impacts to groundwater dependent fish and wildlife and their habitats have occurred. CDFW finds that it is improper to increase pumping in Alto when one of the Alto Table H-2 wells is not currently meeting the water level criteria, and the Table H-2 wells downstream in Baja are far below the criteria and the groundwater levels required to maintain vegetation and habitat in good condition. The 2026-27 PSY and FPA Memo acknowledges the challenges protecting public trust resources in Baja at the Figure H areas at Camp Cady, but there is no information regarding the Watermaster's process for doing so, or consideration given to the protection of public trust resources in making recommendations to increase PSY and FPA in the other subareas as also required by the Judgment, Exhibit H-1, paragraph 2a.

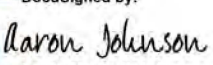
In the Court's July 2024 Order, the Judge expressed concerns about the Watermaster's previous proposal to increase FPA in Alto, and denied it, stating "Given the unfortunate history of this basin, the Court is aggressive in reducing FPA.... By contrast, the Court will be slow to increase FPA." The Judge also noted that "In addition to the reservations described above concerning a possible increase in FPA in Alto, the Court is concerned about the affect of increased pumping on the public trust resources." Further, the Court noted that increases in FPA "should be done in a cautious and incremental manner." In this context, the proposed significant increase in Alto FPA is not adequately supported as there is no justification that it reflects a real change in hydrologic conditions, or even new information, rather than changes in accounting assumptions. The reliance on literature that has been available to Watermaster for 25 years does not include compelling new information about

how the system functions to warrant the Watermaster's proposed increases in FPA in Alto. The determination to increase FPA in any subarea should be made by thoughtfully incorporating the best available science and with thorough evaluation of potential impacts to the public trust resources, which CDFW understands will only be possible once the updated basin-wide model is completed, peer-reviewed, and shared with the parties. In the absence of the updated model, it is not possible to assess the appropriateness of various unmeasurable water budget elements, or the implications of increased pumping in upper subareas on those below.

For these reasons CDFW opposes Watermaster's recommendations in the Engineer's 2026-27 PSY and FPA Memo to increase FPA in Alto and Oeste. CDFW does not find that the evidence provided by the Engineer supports increasing PSY or the indicated FPA in those subareas. Additionally, CDFW is concerned by the Engineer's proposed method of using water level data in selected wells in place of refining reliable subarea water budgets to determine PSY and FPA. The various subareas extending from the upper Mojave Basin watershed to the lower are interconnected; it is critical that the water budgets for each subarea account for this fact in a consistent manner, which is not possible with the proposed mixed approach. Therefore, CDFW does not support Watermaster's FPA recommendations for any Mojave Basin subareas for WY 2026-27.

CDFW appreciates the opportunity to communicate comments regarding the Watermaster's 2026-27 PSY Update and resulting FPA recommendations to the Court.

Sincerely,

DocuSigned by:

6477ACD4E0DE4DB...

Aaron Johnson
Senior Environmental Scientist

cc: California Department of Fish and Wildlife:

Alisa Ellsworth, Environmental Program Manager
alisa.ellsworth@wildlife.ca.gov

Chris Hayes, Environmental Program Manager
chris.hayes@wildlife.ca.gov

Stephen Puccini, Attorney V
stephen.puccini@wildlife.ca.gov

Department of Justice:

Noah Golden-Krasner, Deputy Attorney General
noah.goldenkrasner@doj.ca.gov

ATTACHMENT D

Figure 1. Photo comparison showing loss of riparian forest habitat at Camp Cady between 2009 and 2025.



Photo 1. Mojave River Figure H-1 habitats at Camp Cady, July 16, 2009



Photo 2. Mojave River Figure H-1 habitats at Camp Cady, June 19, 2025

Figure 2. Google Earth aerial imagery of the Mojave River Figure H-1 habitat areas showing the reduced extent of groundwater dependent vegetation in October 2023 (right image) relative to September 1995.

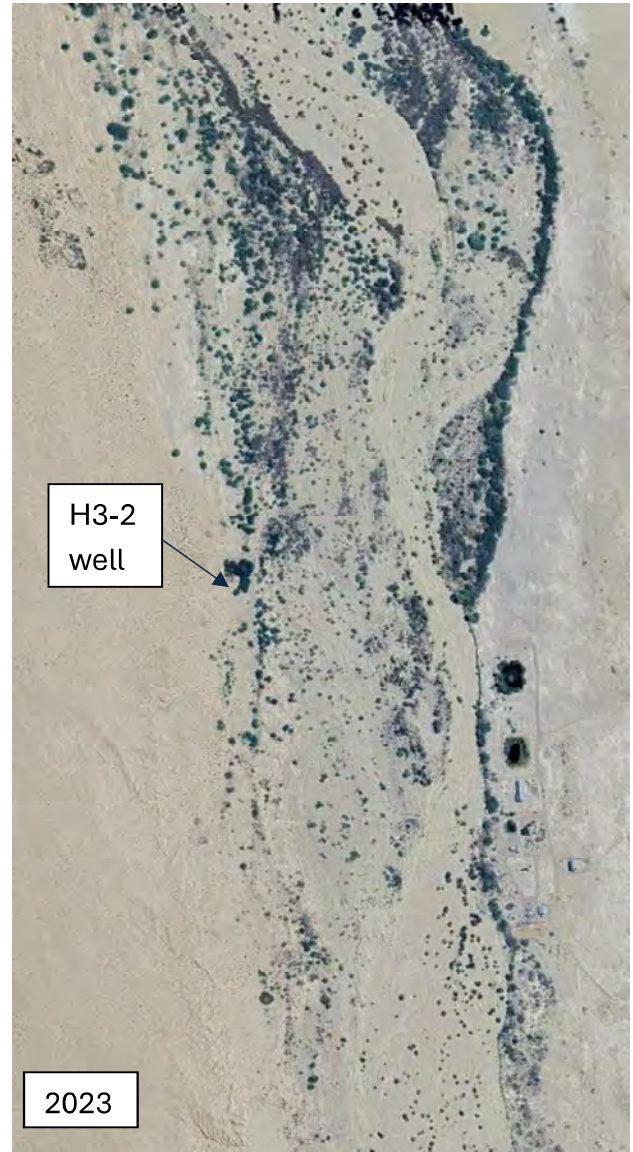
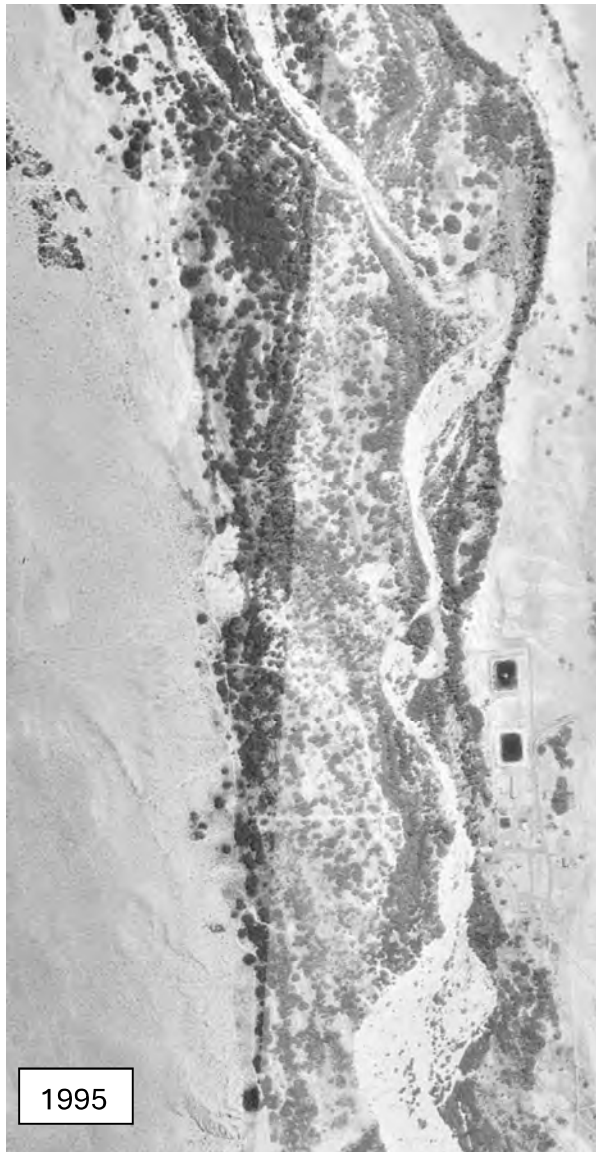


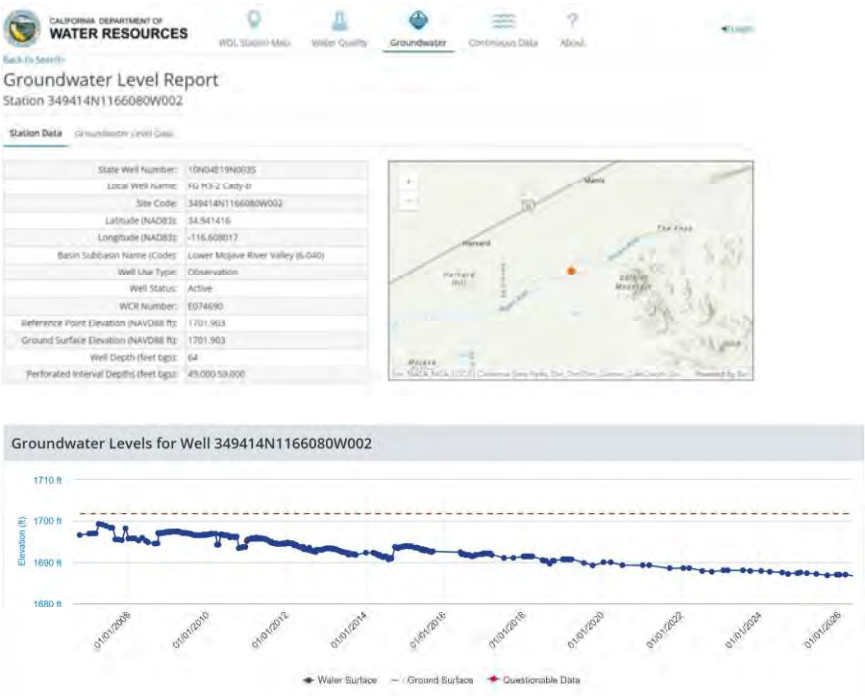
Figure 3.

3a. Station and groundwater level data for H3-1 well at Camp Cady Wildlife Area



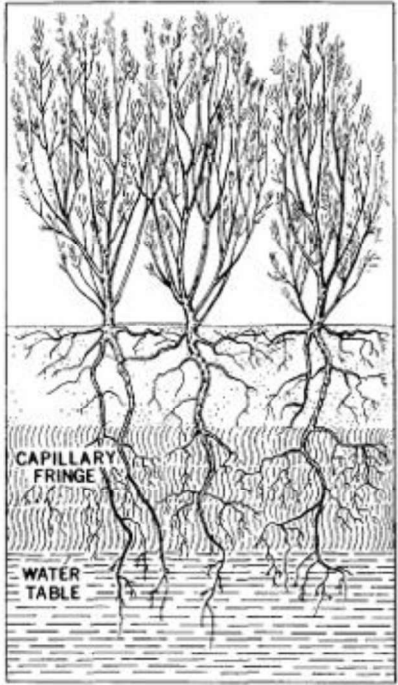
[DWR WDL Camp Cady H3-1, 90 ft](#)

3b. Station and groundwater level data for H3-2 well at Camp Cady Wildlife Area



[DWR WDL Camp Cady H3-2, 64 ft](#)

Figure 4. Phreatophytes require regular access to groundwater



4a. Schematic depiction of phreatophyte with access to water table/ groundwater. Source: Robinson 1958.



4b. Image showing researchers measuring the roots of a stressed cottonwood on Mojave River with depth to groundwater exceeding plant requirements. Source: Lines 1999.

DECLARATION OF SERVICE BY E-MAIL AND OVERNIGHT COURIER

Case Name: **City of Barstow v. City of Adelanto, et al.**

Case No.: **CIV208568 (Lead)**

I declare: I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **Federal Express** courier service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On July 22, 2026, I served the **DECLARATION OF AARON JOHNSON IN SUPPORT OF CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO WATERMASTER'S MOTION FOR APPROVAL OF (1) PRODUCTION SAFE YIELD CLASSIFICATIONS, AND 2) FREE PRODUCTION ALLOWANCE RECOMMENDATIONS FOR WATER RECOMMENDATIONS FOR WATER YEAR 2026-2027** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

William J. Brunick, Esq.
Leland P. McElhaney, Esq.
Brunick, McElhaney & Kennedy PLC
1839 Commercenter West
San Bernardino, CA 92423-3130
E-Mail: bbrunick@bmklawplc.com
E-Mail: lmcclhaney@bmklawplc.com
Attorneys for Defendant/Cross-Complainant Mojave Water Agency

Jeffrey D. Ruesch
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377
E-Mail: jruesch@mojavewater.org

I declare under penalty of perjury under the laws of the State of California and the United States of America, the foregoing is true and correct and that this declaration was executed on July 22, 2026, at Los Angeles, California.

Ernestina Provencio
Declarant

/s/ Ernestina Provencio
Signature

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.

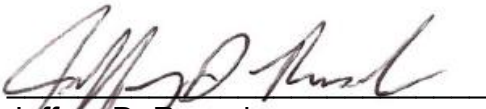
July 23, 2026, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

Declaration of Aaron Johnson in Support of California Department of Fish and Wildlife's Response to Watermaster's Motion for City of Adelanto, et al., Approval of (1) Production Safe Yield Classifications, and 2) Defendants. Free Production Allowance Recommendations for Water Year 2026-2027

 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 July 23, 2026 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of July 23, 2026

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

(blopez@adelantoca.gov;
dbuckingham@adelantoca.gov;
irisramos@percwater.com);
Adelanto, City Of (via email)
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)
23301 S. Wilmington Ave
Carson, CA 90745-6209

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: Beinni Le
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 (avfcwd@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: Emely and Joe Saltmeris
Apple Valley View Mutual Water Company
P. O. Box 3680
Apple Valley, CA 92307-0072

Attn: Beatriz Torres
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)
PO Box 844
Lucerne Valley, CA 92356-0844

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: Teddi Morad
Barstow Community Developers, LLC
24465 Stonechat Ct.
Valencia, CA 91355-3538

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

Bartels, Gwendolyn J.
1117 Meadow Lake Loop
Buhl, ID 83316-

Attn: Angelyn Bass
(angelyn bass@yahoo.com;
avbassenterprises@gmail.com)
Bass Trust, Newton T. (via email)
PO Box 22759
Santa Fe, NM 87502-2759

Mojave Basin Area Watermaster Service List as of July 23, 2026

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 Trust, Andy
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 59718-6483

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 92508-3526

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

Bredelis, Ronald C. and Jean
P. O. Box 92
Newberry Springs, CA 92365-0092

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

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

Brown, Jennifer
10001 Choicena 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)
17166 Sequoia Street
Hesperia, CA 92345-1842

Bubier, Diane Gail
46263 Bedford Rd.
Newberry Springs, CA 92365-9819

Attn: Noah Furie (noah@bfcloans.com)
Budget Finance Company (via email)
PO BOX 641339
Los Angeles, CA 90064-6339

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

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

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

Attn: Donald Larson
(Donald.Larson@dot.ca.gov;
michael.lemke@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: Leanna East (least@calportland.com)
CalPortland Company - Agriculture (via email)
P. O. Box 146
Oro Grande, CA 92368-0146

Attn: Leanna East (least@calportland.com)
CalPortland Company - Oro Grande Plant (via
email)
P. O. Box 146
Oro Grande, CA 92368-0146

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

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

Carlton, Susan
15524 Crenshaw Blvd.
Gardena, CA 90249-4526

Mojave Basin Area Watermaster Service List as of July 23, 2026

Attn: Stephanie Kaplan
Casa Colina Foundation
11981 Midway Avenue
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: San Bernardino Co Regional Parks
CDFW - Mojave Narrows Regional Park
268 W. Hospitality Lane, Suite 303
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;
jamiee.nido@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)
44660 Valley Center Rd.
Newberry Springs, CA 92365-

Attn: Byung Koo Chin
(JohnChinm3@gmail.com)
Chin Family Life Estate Trust (via email)
15648 Meridian Road
Lucerne Valley, CA 92356-9008

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)
1054 N. Antonio Circle
Orange, CA 92869-1966

Christison, Joel
PO 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

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

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

Attn: Patty Renyut c/o Clearway Energy
(Patricia.Renyut@clearwayenergy.com)
Daggett Solar Power 3 LLC (via email)
11988 El Camino Real, Ste. 500
San Diego, CA 92130-3333

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

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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.
PO Box 1405
Apple Valley, CA 92307-0026

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: Kerry Evert
(KerryE@tillerconstructors.com)
Evert Family Trust (via email)
19201 Parker Circle
Villa Park, CA 92861-1302

Attn: David Rodriguez
(d8rodriguez@bop.gov)
Federal Bureau of Prisons, Victorville (via email)
P. O. Box 5400
Adelanto, CA 92301-5400

(purplebun@juno.com)
Fejfar, Monica Kay (via email)
34080 Ord Street
Newberry Springs, CA 92365-9791

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

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

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

Attn: Richard Bruce Fitzwater
(rickfitzwater@gmail.com)
Fitzwater, Survivor's Trust (via email)
12372 E Parks Road
Athol, ID 83801-5362

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

Attn: Jin Hyung Kim
Fourfree USA, Inc.
35000 Indian Trail
Helendale, CA 92342-9782

(cfrates@renewablegroup.com)
Frates, D. Cole (via email)
RRG CM, 926 N Sycamore Ave Ste 725
Los Angeles, CA 90038-2382

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 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
10551 Dallas Avenue
Lucerne Valley, CA 92356

Mojave Basin Area Watermaster Service List as of July 23, 2026

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.
530 Technology Drive, Suite 100
Irvine, CA 92618-1350

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

Attn: Toby Moore (toby.moore@gswater.com)
Golden State Water Company (via email)
160 Via Verde, Ste. 100
San Dimas, CA 91773-5121

Attn: Manoucher Sarbaz
Golf Investments LLC
9903 Santa Monica Blvd., #541
Beverly Hills, CA 90212-1606

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 (Nick.terawatt@gmail.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. Gulbranson
(TamaraMcKenzie@aol.com)
Gulbranson, Merlin (via email)
511 Minnesota Ave W
Gilbert, MN 55741-9062

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

Attn: Bryan C. Haas and Mary H. Hinkle
(resrv4you@aol.com)
Haas, Bryan C. and Hinkle, Mary H. (via email)
14730 Tigertail Road
Apple Valley, CA 92307-5249

Attn: Edward E. Hackbarth
(hackbarthoffice@gmail.com)
Hackbarth, Edward E. (via email)
13312 Ranchero Rd, STE 241
Oak Hills, CA 92344-4812

Attn: Alexandra Lioanag
(sandra@halannagroup.com)
Halanna Equities III (via email)
220 Montgomery Street, Suite PH-10
San Francisco, CA 94104-3433

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

(hammackhay@gmail.com)
Hammack, Mitchell (via email)
34650 Minneola Road
Newberry Springs, CA 92365-9146

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

Harter, Joe and Sue
11407 Herr Court
Klamath Falls, OR 97603-8993

(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

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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

Attn: Kelly Henderson
Helendale School District
P. O. Box 249
Helendale, CA 92342-0249

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

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

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

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

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

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

Attn: Carabeth Carter ()
Hettinga Revocable Trust (via email)
P. O. Box 455
Ehrenberg, AZ 85334-0455

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

(lechiatt@hotmail.com)
Hiatt, 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: Gregory Hilarides
Hilarides 1998 Revocable Family Trust
35070 Newberry 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.
PO 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-

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

Attn: Weiya Noble
Holy Heavenly Lake, LLC
10111 Choiceana Avenue
Hesperia, CA 92345-5361

Attn: May Hong
Hong, Paul B. and May
16641 Parlay Circle
Huntington Beach, CA 92649-3615

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

Horton, Kell A.
PO Box 52
Newberry Springs, CA 92365-0052

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-

(huntconnie56@gmail.com)
Hunt, Connie (via email)
39392 Burnside Loop
Astoria, OR 97103-8248

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

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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 (ldean28296@aol.com)
Jackson, Ray Revocable Trust No. 45801 (via email)
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: Tomas Janovsky
(virginiajanovsky@yahoo.com;
tomjanovsky@yahoo.com)
Janovsky Revocable Trust No. 1 (via email)
17241 Bullock Street
Encino, CA 91316-1437

Attn: Bobby Boytor
(bboytorjrw@outlook.com;)
Jess Ranch Water Company (via email)
PO Box 542
Trabuco Canyon, CA 92678-0542

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: Jilin Xiao
Jujube Valley Farm, Inc.
19 Pemberly
Irvine, CA 92603-3452

Attn: Cherie Casey (ccasey@jrcwd.org)
Juniper Riviera County Water District (via email)
P.O. Box 618
Lucerne Valley, CA 92356-0618

Kanesaka, Kenji and Yukari
33 Ocaso Street
Rancho Mission Viejo, CA 92694-1601

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-

Attn: Robert R. Kasner
(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.
419 Sara Jane Ln
Placentia, CA 92870-5137

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: Ryan Gross
(rgross@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 July 23, 2026

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

(PhillipLam99@gmail.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

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

Attn: Michael Reese
(Michael.Reese@libertyutilities.com)
Liberty Utilities (Apple Valley Ranchos Water) Corp. (via email)
P. O. Box 7005
Apple Valley, CA 92307

Attn: Robert Fimbres (rfimbres@terra-gen.com)
Lockhart Land Holding, LLC (via email)
43880 Harper Lake Road
Hinkley, CA 92347-

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

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

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

Lawson, 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-

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: Parviz Omidvar
(pomidvar@roadrunner.com)
Lucerne Valley 26, LLC (via email)
PO Box 7930
Beverly Hills, CA 90212-7930

Attn: Bradley Strain
Lucerne Valley Unified School District
8560 Aliento Road
Lucerne Valley, CA 92365-8133

Attn: Timothy Rohm (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 (kimyung830@gmail.com;
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: 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: Gwen L. Bedics
Lucerne Valley Mutual Water Company
P. O. Box 1311
Lucerne Valley, CA 92356

Attn: Sherri Brown
Lucerne Vista Mutual Water Company
P. O. Box 677
Lucerne Valley, CA 92356-0677

Mojave Basin Area Watermaster Service List as of July 23, 2026

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

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

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: Matt Bachman
(gm@marianaranchoscwd.org; gm@mrcwd.org
; gmmrcwd@gmail.com)
Mariana Ranchos County Water District (via email)
9600 Manzanita Street
Apple Valley, CA 92308-8605

Markley, Carmen and Price, Aric
PO Box 1407
Barstow, CA 92312-1407

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

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: Erik Gruber
(erik.gruber@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: Janie Thai (mlkj8888llc@gmail.com)
MLKJ8888 LLC (via email)
300 W Valley Blvd, #1933
Alhambra, CA 91803-3333

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

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

Attn: Doug Kerns
(aanabtawi@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 (ken@elliotsplace.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

Mojave Basin Area Watermaster Service List as of July 23, 2026

Attn: Michael Sweitzer (msweitzer@mail.com)
Navajo Mutual Water Company (via email)
P.O. Box 392
Apple Valley, CA 92307-0007

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

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)
NSSLC, 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 2651
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

Odessa Water District
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: Farzad, Ezami c/o Registered Agents Inc
(Fezami@gmail.com)
Olivier Holdings LLC (via email)
14201 21st St., Ste. R
Sacramento, CA 95811-5226

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 Balders (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.
778 23rd St SW
Loveland, CO 80537-7200

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

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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

Attn: Kanwal P. Randhawa
(Firstamerican20@gmail.com)
Randhawa Energy CO of CA, LLC (via email)
26029 Chateau Court
Moreno Valley, CA 92555-1772

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

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.
42704 Edelweiss Drive
Big Bear Lake, CA 92315-2074

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

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

Attn: Jafar Rashid
(jrl23realestate@gmail.com)
S and E 786 Enterprises, LLC (via email)
3300 S. La Cienega Blvd.
Los Angeles, CA 90016-3115

Attn: Kanoe Barker
(kanoebarker@yahoo.com)
Sagabeen-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 202
San Bernardino, CA 92415-0831

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

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

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

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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

Attn: Dan Sheppard
(dsheppard15@yahoo.com,
gloriasheppard14@gmail.com)
Sheppard, Thomas and Gloria (via email)
11806 Preston St.
Grand Terrace, CA 92313-5231

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

Attn: Carlos Banuelos
(cbanuelos@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 (ddgogo72@yahoo.com)
Smith, Denise dba Amerequine Beauty, Inc
(via email)
13313 Newmire Ave.
Norwalk, CA 90650-2168

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: Christopher Quach
(Christopher.Quach@sce.com)
Southern California Edison Company (via
email)
2244 Walnut Grove Ave
Rosemead, CA 91770-3714

Attn: Christian Preciado
(CPreciad@socalgas.com)
Southern California Gas Company (via email)
28901 Fort Cady Rd.
Newberry Springs, CA 92365

Attn: Jose Garcia
(jose.garcia@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 1989
Barstow, CA 92312-1989

Attn: Paul Cramer ()
Star Milling Company (via email)
23901 Water Street
Perris, CA 92570-9094

(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 (alexviennarn@gmail.com;
sundownmark@gmail.com)
Sundown Lakes, Inc. (via email)
P.O. Box 364
Newberry Springs, CA 92365-

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
(vvasquez@SYNAGRO.com)
Synagro-WWT, Inc. (dba Nursury Products,
LLC) (via email)
P. O. Box 1439
Helendale, CA 92342-1429

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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

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: John Henry Tellez
(JohnnyMelissaTellez@gmail.com)
Tellez, et al. (via email)
43774 Cottonwood Road
Newberry Springs, CA 92365-9277

Attn: Daryl or Lucinda Lazenby
Thayer, Sharon
P. O. Box 845
Lucerne 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
(gm@thunderbirdcwg.org;
office@thunderbirdcwg.org)
Thunderbird County Water District (via email)
P. O. Box 1105
Apple Valley, CA 92307-1105

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

Turner, Terry
PO Box 881
Peach Springs, AZ 86434-0881

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

(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: Estela Wansten
Victor Valley Community College District
18422 Bear Valley Road, Bldg 10
Victorville, CA 92395-5850

Attn: Claudia Betancourt
(claudia.betancourt@dignitymemorial.com)
Victor Valley Memorial Park (via email)
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)
PO 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 July 23, 2026

(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

Attn: Alicia Weems
Weems, Lizzie
4418 Stephanie Park Ln
Conroe, TX 77304-2990

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: Cindy Sacks
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 (ngatti@atlas-water.com)
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: Jessica Zavella, Leasing Office
Westland Industries, Inc.
22838 Bear Valley Road, Office
Apple Valley, CA 92308-

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: Geoffrey Schmid
WLSR, Inc.
12678 Cabezon Place
San Diego, CA 92129-

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

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

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

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

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

Attn: 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.
(ccampbell@bakermanock.com)
Baker, Manock & Jensen (via email)
5260 N. Palm Avenue, 4th Floor
Fresno, CA 93704-2209

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

Mojave Basin Area Watermaster Service List as of July 23, 2026

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: Vanessa Guillen-Becerra
(Vanessa.Becerra@bbklaw.com)
Best, Best & Krieger LLP (via email)
,

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

Attn: Nancy McDonough
(NMcDonough@cfbf.com)
California Farm Bureau Federation (via email)
2300 River Plaza Drive
Sacramento, CA 95833

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

Attn: Carol A. Z. Boyd, Dep
(Carol.Boyd@doj.ca.gov)
Department of Justice (via email)
300 South Spring St.
Suite 1702
Los Angeles, CA 90013-

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

Attn: Darien Key, Esq.
(dkey@fennemorelaw.com)
Fennemore LLP (via email)
2185 N California Boulevard
Suite 240
Walnut Creek, CA 94596-

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

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

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

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

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

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

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

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: Michele Hinton, Ms.
(mhinton@fennemorelaw.com)
Fennemore LLP (via email)
2185 N California Boulevard
Suite 240
Walnut Creek, CA 94596-

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 July 23, 2026

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

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

Attn: Fred J. Knez, Esq.
Law Offices of Fred J. Knez
3890 10 St., Riverside
Riverside, CA 92501-3520

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

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

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

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

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

Attn: 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

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

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

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

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

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

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

Attn: Jeremy Jungreis, Esq.
(jjungreis@rutan.com)
Rutan & Tucker (via email)
18575 Jamboree Road, 9th Floor
Irvine, CA 92612-

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

Attn: Jim Blanke
(jblanke@woodardcurran.com)
Woodard & Curran (via email)
,

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

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

Attn: Arthur G. Kidman, Esq.
(akidman@kidmanlaw.com)
McCormick, Kidman & Behrens (via email)
8 Corporate Park
Suite 300
Irvine, CA 92606-5196

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

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

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

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