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ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
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6 Attorneys for CALIFORNIA PUBLIC UTILITIES COMMISSION
[Exempt from filing fees per Gov. Code § 6103]

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

CALIFORNIA PUBLIC UTILITIES
COMMISSION,

Petitioner,

v.

HAVASU WATER COMPANY, also known
as Havasu Water Company, Inc., a California
corporation (U-352-W); JENNIFER L.
HODGES, an individual; and JH FAMILY
LIMITED PARTNERSHIP, a California
limited partnership.

Respondents.

Case No. CIVSB2625211

**DECLARATION OF DANIEL LEIVAS,
CHAIRMAN OF THE CHEMEHUEVI
INDIAN TRIBE, IN SUPPORT OF
CONFIRMATION OF RECEIVER**

Hearing Date: September 21, 2026

Time: 8:30 a.m.

Dept.: S25

Judge: Hon. Khymberli S. Apaloo

Action filed: August 27, 2026

1 **DECLARATION OF DANIEL LEIVAS**

2 I, DANIEL LEIVAS, declare:

3 1. I am an enrolled member of the Chemehuevi Indian Tribe (Tribe), the Chairman of the
4 Tribal Council (Council) of the Tribe, and a resident of the Chemehuevi Indian Reservation
5 (Reservation). I make this declaration from my own personal knowledge and from the official
6 records of the Tribe, which I am authorized to speak to. If called as a witness, I could and would
7 competently testify to the matters stated here.

8 2. I have been Chairman of the Tribe since June 28, 2025.

9 3. I have also previously served on the Council as a Council Member; within the Tribe's Water
10 Department from approximately 1993 to 1995 and 2009 to 2013; and with the Tribe's Agriculture
11 Department, Water Distribution System from 2015 to 2025.

12 4. The Tribe is a federally recognized Indian Tribe organized under the Indian Reorganization
13 Act with a written constitution (Constitution) that has been approved by the United States Secretary
14 of the Interior, which designates the Council as the governing body of the Tribe.

15 5. Pursuant to the Constitution, as Chairman, I am the chief spokesperson for the Tribe, I
16 represent the Tribe by name and title, and I correspond with other governments and entities on
17 behalf of the Tribe. My other duties and responsibilities include calling for, and presiding over,
18 regularly scheduled meetings of the Council, general membership annual meetings, and other
19 special meetings of the Council and general membership considered necessary to conduct Tribal
20 business; presenting and explaining the position of the Tribe on all matters of importance;
21 delegating tasks to members of the Council and employees of the Tribe to assist in Council efforts,
22 including, but not limited to, preparing reports, attending meetings, reviewing documents, and
23 implementing policies; coordinating with other Tribal work units and communicating directives
24 from Council to the employees of the Tribe and, along with the Tribe's Executive Committee,
25 running the day-to-day operations of the Tribal Government.

26 6. The Tribe owns and operates its own public water system, which serves the Reservation.
27 The Tribe's water system does not serve Section 36 (Township 5 North, Range 24 East, S.B.B.M.),
28

1 the area served by Havasu Water Company (Havasu), and it does not serve Havasu's customers.

2 7. The Tribe has not undertaken to regulate Havasu's utility rates or its provision of water
3 service to Havasu's customers. The Tribe has not set or reviewed Havasu's rates or issued Havasu a
4 utility permit or license. Nothing in this paragraph is intended to disclaim or limit the Tribe's
5 governmental, territorial, or regulatory authority under applicable Tribal or federal law.

6 8. The Tribe has no existing contract, agreement, or business relationship with Havasu.

7 9. As an exercise of the Tribe's inherent sovereign authority to exclude persons from its
8 Reservation, on January 25, 1997, the Tribe enacted Ordinance No. 97.5, entitled "An Ordinance of
9 the Tribal Council of the Chemehuevi Indian Tribe Adopting and Adding a New Chapter 9.52 to the
10 Chemehuevi Tribal Code Entitled 'Exclusion of Persons from the Reservation'", as amended.¹

11 10. Pursuant to Ordinance No. 97.5, the Council initiated exclusion proceedings against
12 Jennifer Hodges. On June 5, 2024, the Council issued Ms. Hodges a Notice to Show Cause stating
13 that the Council had received evidence that she had trespassed upon the Tribe's lands and setting a
14 hearing for June 29, 2024. On June 22, 2024, Ms. Hodges responded via letter to the Notice to
15 Show Cause and ultimately did not appear at the noticed hearing. The Order After Hearing was
16 adopted at a duly called meeting of the Council, certified on June 29, 2024, and served on July 3,
17 2024. The lifetime exclusion of Ms. Hodges from the Reservation took effect at 8:00 a.m. Pacific
18 Time on July 4, 2024. The Council's exclusion order has not been applied to Havasu's service area
19 in Section 36, and the Tribe has taken no action to remove Ms. Hodges or Havasu from that area.

20 11. Havasu's easement across the Tribe's trust lands expired in 2006. The Tribe tried for years
21 to negotiate an extension or another resolution. When those efforts failed, the Tribe filed the action
22 described below.

23 12. In *Chemehuevi Indian Tribe v. Havasu Water Company*, No. 5:20-cv-00471-GW-SP (C.D.
24 Cal.), the United States District Court entered an Order of Ejectment on January 8, 2026 (ECF No.

25 _____
26 ¹ Earlier this year, the Council enacted a new Title 7 to the Chemehuevi Tribal Code, which includes Part 7.7 (Council
27 Exclusion). To the extent that Ordinance 97.5 conflicts with the new Title 7, Title 7 now controls. Exclusions previously
28 imposed under Ordinance No. 97.5, as amended, remain effective and valid.

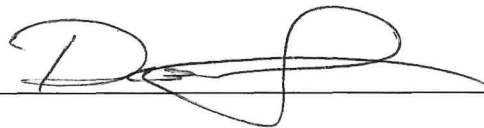
302) followed by an Amended Order of Ejectment and Enjoining Defendants (ECF No. 303), which the court subsequently modified (ECF No. 329) (collectively, the “Ejectment Order”). The Ejectment Order required Havasu to cease operations and remove its infrastructure, equipment, and installations from the Tribe’s trust lands within the Reservation by June 15, 2026, with anything remaining deemed abandoned as of June 16, 2026. Havasu did not comply. The court subsequently found that Havasu had violated the Ejectment Order, held Havasu in civil contempt, and imposed coercive sanctions (ECF No. 346). The Tribe continues to seek full compliance with and enforcement of the Ejectment Order.

13. In light of the parties’ longstanding adversarial history and the Council’s lifetime exclusion of Ms. Hodges from the Reservation, the Tribe does not support an arrangement under which Ms. Hodges would continue to control Havasu’s operations or act as the receiver’s representative in dealings with the Tribe or in matters requiring access to Tribal lands. The Tribe is willing to coordinate in good faith with CPUC and an independent, court-appointed receiver, subject to applicable Tribal and federal law and the existing Ejectment Order.

14. The Tribe supports the California Public Utilities Commission’s petition for appointment of a receiver for Havasu and the confirmation of Scott M. Sackett as receiver. The Tribe is willing to coordinate in good faith with CPUC and the receiver concerning matters affecting the Tribe and the Reservation. The Tribe’s support for the receivership does not constitute consent for Havasu, the receiver, or any other person to enter upon, occupy, or use Tribal or trust lands; does not authorize any activity for which Tribal or federal approval is otherwise required; and does not modify, stay, or limit the Ejectment Order.

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

Executed on September 16, 2026.



DANIEL LEIVAS

Chairman, Chemehuevi Indian Tribe