

1 CHRISTINE J. HAMMOND (SBN 206768)
AARON H. BLOOM (SBN 281079)
2 CANDACE J. MOREY (SBN 233081)
KIMIKO I. ELGUEA (SBN 327519)
3 CALIFORNIA PUBLIC UTILITIES COMMISSION
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6 Attorneys for Petitioner
CALIFORNIA PUBLIC UTILITIES COMMISSION
7 [Exempt from filing fees per Gov. Code § 6103]

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
8/27/2026 10:45
By: Alyssia Skinner, DEPUTY

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

12 CALIFORNIA PUBLIC UTILITIES
13 COMMISSION,

14 Petitioner,

15 v.

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

19 Respondents.
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CIVSB2625211

Case No. [TO BE ASSIGNED]

**DECLARATION OF KIMIKO I. ELGUEA
REGARDING *EX PARTE* APPLICATION
AND REGARDING NOTICE**

[Cal. Rules of Court, rules 3.1203, 3.1204]

Hearing: [TO BE SET UPON DEPARTMENT
ASSIGNMENT]

Remote appearance requested [Cal. Rules of
Court, rule 3.672]

Action filed: [August 27, 2026]

1 I, KIMIKO I. ELGUEA, declare:

2 1. I am an attorney licensed to practice before all courts of the State of California
3 and a staff attorney in the Legal Division of the California Public Utilities Commission, counsel
4 of record for Petitioner in this action. I make this declaration from my own personal knowledge.
5 If called as a witness I could and would competently testify to the matters stated here.

6 2. In the course of this matter I searched the online index of the Official Records of
7 the San Bernardino County Recorder for instruments affecting real property in the name of
8 Havasu Water Company (Havasu), using the Assessor's Parcel Numbers of the parcels
9 associated with Havasu's water system. That search identified three grant deeds recorded
10 October 23, 2025 as Document Nos. 2025-0257862, 2025-0257863, and 2025-0257864.

11 3. I obtained certified copies of the three recorded deeds in person from the San
12 Bernardino County Recorder. Each deed is signed by Jennifer L. Hodges, dated October 22,
13 2025, and conveys one of Assessor's Parcel Numbers 0649-212-19, 0649-281-28, and 0649-
14 211-10 from Havasu Water Company to JH Family Limited Partnership (JH's Partnership).
15 Each directs that recorded documents and tax statements be mailed to JH's Partnership (Attn:
16 Jennifer Hodges) at 2312 Park Ave., #421, Tustin, California 92782. **True and correct copies**
17 **of the three deeds are attached to the concurrently filed Request for Judicial Notice as**
18 **Exhibits C, D, and E.**

19 4. I also obtained the records of the California Secretary of State for Havasu Water
20 Company and for JH's Partnership from the Secretary of State's online business search. **True**
21 **and correct copies are attached to the Request for Judicial Notice as Exhibits G and H.**
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1 5. I obtained from the Commission’s records three items of correspondence
2 concerning Havasu’s response to Commission directives. On June 25, 2026, the Commission’s
3 Deputy Executive Director for Safety Enforcement, Safety Policy, and Water sent Jennifer
4 Hodges, Havasu’s president, a letter requesting that Havasu identify the specific steps it would
5 take to provide its customers with sufficient potable water in a manner consistent with the
6 federal court orders. Havasu responded on July 9, 2026, through a letter signed by Ms. Hodges.
7 The response identifies no alternative water source or other steps Havasu would take to provide
8 water consistently with the federal court’s orders; instead, it states that Havasu will continue
9 using the disputed right-of-way to obtain water from the Colorado River. On August 24, 2026, I
10 received by email a message sent from havasuwater@outlook.com and signed by Ms. Hodges,
11 responding to an August 19, 2026 Commission staff data request. The message states that
12 Havasu “object to your data request of August 19, 2026 on the basis that it no longer has
13 jurisdiction over Havasu because the tribe claims that Havasu is inside a reservation.” **True and**
14 **correct copies of this correspondence are collectively attached as Exhibit 1.**

15 6. This declaration also addresses the notice requirements of California Rules of
16 Court, rules 3.1203 and 3.1204, for the concurrently filed *Ex Parte* Application.

17 7. No hearing date, time, or department has been set for the Application. The Court
18 has not yet assigned this action to a department, and under this Court’s procedures an *ex parte*
19 hearing cannot be reserved until a department is assigned. Notice under rule 3.1203 states the
20 date, time, and place of the *ex parte* appearance; those facts do not yet exist.

21 8. Once the Court assigns a department and the CPUC reserves a hearing date, the
22 CPUC will notify all Respondents and the persons identified in paragraph 8 of the date, time,
23 and department of the hearing, the relief requested, and the CPUC’s intent to appear, no later
24 than 10:00 a.m. on the court day before the hearing, by all means of contact stated in
25 paragraph 9.

26 9. The contact information known to the CPUC for the persons to be notified is as
27 follows:
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- **For Respondent Havasu Water Company and Respondent Jennifer L. Hodges:** 2312 Park Ave., #421, Tustin, California 92782, the address of record with the California Secretary of State for both (RJN Exs. G, H.) and the email addresses havasuwater@outlook.com and cnmoney@aol.com, from which Havasu and Ms. Hodges have corresponded with Commission staff, most recently on August 24, 2026.
- **For Respondent JH Family Limited Partnership:** its agent for service of process, Julie B. Mains, 2753 Camino Capistrano, Ste. B-1, San Clemente, California 92672. **A true and correct copy of Ms. Main's State Bar and California attorney profile, printed on August 24, 2026, is attached as Exhibit 2.**
- **For Patrick Webb, Law Offices of Patrick D. Webb:** telephone (619) 548-4727, email pwebb@webbcarey.com, who was counsel of record for Havasu in Commission Investigation I.25-08-007.
- **No attorney has appeared for any Respondent in this action.**

10. The CPUC will then file a supplemental declaration stating the date, time, and manner of the notice given, the persons notified, any response, and whether opposition is expected. (Cal. Rules of Court, rule 3.1204(b).)

11. The CPUC will serve the Application and all supporting papers on any appearing party at the first reasonable opportunity before the hearing. (Cal. Rules of Court, rule 3.1206.)

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

Executed on August 27, 2026, at Los Angeles, California.



KIMIKO I. ELGUEA

EXHIBIT 1

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 25, 2026

VIA EMAIL AND CERTIFIED MAIL

Jennifer Hodges
President
Havasu Water Company
P.O. Box 1690
Havasu Lake, CA 92363

Re: Havasu Water Company's Duty to Serve Its Customers

Dear Ms. Hodges,

I am writing on behalf of the California Public Utilities Commission (CPUC or Commission) regarding Havasu Water Company's continuing obligation to serve its customers as a public utility pursuant to its Certificate of Public Convenience and Necessity (CPCN).

On June 11, 2026, the Commission adopted Decision D.26-06-010, authorizing the CPUC's Legal Division to petition the San Bernardino Superior Court to appoint a receiver under Cal. Pub. Util. Code § 1826. This authorization allows the Commission to initiate a legal process; it does not relieve Havasu Water Company of its duty to serve under California Public Utilities Code (Cal. Pub. Util. Code) § 451, which remains non-delegable and fully in effect.

The Commission is moving forward with a process to identify and obtain court approval of a receiver. However, until such time as a court-appointed receiver assumes operational control of the system, Havasu Water Company remains a public utility that is required to furnish its customers with adequate and reasonable service and comply with all Commission regulations and orders. While the Federal Environmental Protection Agency has primary jurisdiction in enforcing the regulatory requirements provided by the Safe Drinking Water Act, the Commission has a secondary role in assuring that utility investments and operations are consistent with meeting the Act's requirements. Failure to comply with all regulatory requirements exposes Havasu Water Company to potential additional penalties under Cal. Pub. Util. Code §§ 2107 and 2108.

To be clear, although you have ongoing duties as a public utility, the Commission in no way condones or supports Havasu Water Company's continuing trespass on the Chemehuevi Indian Tribe's reservation trust lands. We understand that the United States District Court for the Central District has ordered Havasu Water Company to vacate the Chemehuevi Indian Tribe's land, and that on June 11, the United States Court of Appeals for the Ninth Circuit denied Havasu's motion to stay the district court's January 8, 2026 ejectment order. Accordingly, we understand that Havasu Water Company must not continue to occupy the Chemehuevi Indian

Jennifer Hodges, President

June 25, 2026

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Tribe's reservation lands via the company's infrastructure, equipment and installations, including during the pendency of Havasu's appeal. I therefore request that within ten business days upon receipt of this letter, Havasu Water Company submit a letter to the Director of the Commission's Water Division, Terence Shia, outlining specific steps Havasu will take to provide your customers with sufficient potable water in a manner that is consistent with federal court orders, pending the court appointment of a receiver.

Sincerely,



Lee Palmer

Deputy Executive Director

Safety Enforcement, Safety Policy, and Water

California Public Utilities Commission

E-mail: leslie.palmer@cpuc.ca.gov

CC:

Patrick Webb

Attorney

Havasu Water Company

402 W. Broadway, Suite 400

San Diego, CA 92101

HAVASU WATER COMPANY

July 9, 2026

Terence Shia & Lee Palmer
California Public Utilities Commission
505 Van Ness Ave.
San Francisco CA 94102-3298
E-mail: terence.shia@cpuc.ca.gov; leslie.palmer@cpuc.ca.gov

Re: Requested response to June 25, 2026 letter

Dear Messrs. Shia and Palmer,

As we have explained many times, Havasu Water Co. (HWC), will continue to use the right of way granted by Congress to supply our customers with potable water from the Colorado River, which is the only known source of freshwater in this entire region.

In the meantime, the CPUC still refuses to provide evidence that Congress authorized the State of California to regulate utility companies and rights of way within the alleged boundaries of an Indian reservation.

We would like to remind you that the CPUC is responsible for cutting our community off from its sole source of water. *Your* agency, the CPUC, is the one who breached the 1976 Settlement Agreement, by failing to abide by *your own* April 17, 1985 *res judicata* Decision No. 85-04-056. In the 1985 Decision, the CPUC extended HWC's easement "to such a time as it is no longer necessary for providing public utility water service."

We find it appalling and offensive that the very same agency responsible for taking away our water has the audacity to ask us for a written plan about how we intend to continue providing water to our customers. But, since you asked, the answer is—HWC plans to abide by the 1985 Decision, our other agreements, legal precedents and acts of Congress, which all confirm that HWC was granted a right of way and an easement by necessity, and in perpetuity, to divert water from the Colorado River, across land owned by the federal government, to supply the community of Havasu Lake, California with safe and reliable drinking water, as we have done continuously for nearly 70 years now.

Thank you for your attention to this matter.

Sincerely,

/s/ Jennifer Hodges
President, Havasu Water Co.

PO Box 1690 Havasu Lake, CA 92363 Office: 760 858-4619
HavasuWater@Outlook.com

[EXTERNAL] Re: Data Request - Havasu Water Company Meter Upsizing, Billing, Customer Notice, & Service Disconnection Practices

From Havasu Water <HavasWater@outlook.com>

Date Mon 8/24/2026 10:54 AM

To Jagur, Sham <Sham.Jagur@cpuc.ca.gov>

Cc Boothe, James A. <james.booth@cpuc.ca.gov>; Carr, Jane <Jane.Carr@cpuc.ca.gov>; Morey, Candace <candace.morey@cpuc.ca.gov>; Elguea, Kimiko <Kimiko.Elguea@cpuc.ca.gov>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Goodmorning Sham,

HWC objects to your data request of August 19, 2026 on the basis that it no longer has jurisdiction over HWC because the tribe claims that HWC is inside a reservation.

In the meantime, should the CPUC reacquire jurisdiction we will need more than 1 week to provide the requested documents.

Thank you,

Jennifer Hodges
President

From: Jagur, Sham <Sham.Jagur@cpuc.ca.gov>

Sent: Wednesday, August 19, 2026 4:23:04 PM

To: 'Jennifer Hodges (Havas)' <cnmoney@aol.com>; Havasu Water <havaswater@outlook.com>

Cc: Boothe, James A. <james.booth@cpuc.ca.gov>; Carr, Jane <Jane.Carr@cpuc.ca.gov>; Morey, Candace <candace.morey@cpuc.ca.gov>; Elguea, Kimiko <Kimiko.Elguea@cpuc.ca.gov>

Subject: Data Request - Havasu Water Company Meter Upsizing, Billing, Customer Notice, & Service Disconnection Practices

Hi Jennifer,

Attached is California Public Utilities Commission's (CPUC) Water Division's (WD) data request regarding Havasu Water Company's (HWC) meter upsizing, related billing, customer notices, payment options, billing disputes, and water service disconnections. Please provide the requested information and supporting documents by replying to this email no later than **Thursday, August 27, 2026**.



Sham Jagur, P.E.
Utilities Engineer
Water Division
California Public Utilities Commission
San Francisco, California
Mobile (628) 600-8189

EXHIBIT 2

The State Bar
of California

Search 🔍



Attorney Profile

Julie Christine Brooks Mains #189272

License Status: Active

Address: Mains Law Office, PLC, 2753 Camino Capistrano, Ste B1, San Clemente, CA 92672-5823

Phone: 949-545-6500 | Fax: 949-545-6503

Email: Julie@MainsLawOffice.com | Website: www.MainsLawOffice.com

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Additional Languages Spoken:

- By the attorney: None reported
- By staff: None reported

Law School: Loyola Univ SOL; Chicago IL

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Date	License Status ⓘ	Discipline ⓘ	Administrative Action ⓘ
Present	Active		
6/16/1997	Admitted to the State Bar of California		

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