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9 GOLDEN STATE WATER COMPANY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAY 21 2024

J. Alvarez

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF RIVERSIDE

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

14 MOJAVE BASIN AREA WATER CASES

15 CITY OF BARSTOW, et al.,

16 Plaintiff,

17 v.

18 CITY OF ADELANTO, et al.,

19 Defendant.

Case No. CIV 208568

Assigned for All Purposes to the
Honorable Harold W. Hopp

**DECLARATION OF TOBY B. MOORE
IN SUPPORT OF GOLDEN STATE
WATER COMPANY'S OPPOSITION
TO MOJAVE WATER AGENCY'S
MOTION TO ADJUST FREE
PRODUCTION ALLOWANCE FOR
WATER YEAR 2024-2025**

**[Filed concurrently with Golden State
Water Company's Opposition;
Declarations of Robert H. Abrams and
Stephanie Osler Hastings, and Notice of
Lodging]**

Date: June 4, 2024

Time: 8:30 am

Dept.: 1

Judge: Hon. Harold W. Hopp, Judge
Presiding

1 I, Toby B. Moore, Ph.D., hereby declare:

2 1. I am the Water Resources Manager and Chief Hydrogeologist at Golden State Water
3 Company (“GSWC”). I have been employed by GSWC since 2003. Except as otherwise stated, I
4 have personal knowledge of the following facts, and, if called upon to testify thereto, I could and
5 would competently do so.

6 2. My professional address is: Golden State Water Company, 160 East Via Verde,
7 Suite 100, San Dimas, CA 91773.

8 3. I am a California Professional Geologist and California Certified Hydrogeologist. I
9 received my B.S. in biology, and Ph.D. in geology from the University of California, Los Angeles.
10 A copy of my professional curriculum vitae is attached hereto as **Exhibit 1**.

11 4. I am providing this declaration in support of GSWC’s Opposition to Mojave Water
12 Agency’s Motion to Adjust Free Production Allowance for Water Year 2024-2025.

13 5. GSWC, formerly the Southern California Water Company and one of the plaintiffs
14 in this matter, is a division of American States Water Company, a “Class A” utility regulated by
15 the California Public Utilities Commission, provides water service to approximately 260,000
16 customers throughout California. GSWC’s Mountain Desert District operates water systems within
17 three of the Mojave Basin Area Subareas—Alto, Este, and Centro—and provides water service to
18 12,281 water service connections and a population of approximately 41,600 in and around the cities
19 and communities of Barstow, Apple Valley, and Lucerne Valley.

20 6. I manage GSWC’s Water Resources Group providing technical support, review and
21 oversight to water supply related matters company-wide, including the management of GSWC’s
22 water rights portfolio in the Mojave Basin Area.

23 7. As necessary and appropriate to perform my professional duties on behalf of GSWC
24 about GSWC’s operations in the Mojave Basin Area, I have a working knowledge of the Judgment
25 After Trial, January 10, 1996, in this matter and the Rules and Regulations of the Mojave Basin
26 Area Watermaster, as revised October 23, 2008, in this matter.

1 8. GSWC has adjudicated Base Annual Production¹ rights of 940 acre-feet per year
2 (“AFY”) in this Alto Subarea, 178 AFY in the Este Subarea, and 14,407 AFY in the Centro
3 Subarea. Groundwater produced from 29 wells located in these Subareas provides GSWC’s sole
4 source of supply for its Mountain Desert District customers. Accordingly, GSWC has a
5 significant interest in implementation of the Judgment and management of the Mojave Basin
6 Area, and in particular those Subareas in which GSWC operates.

7 9. Since entry of the Judgment in 1996, water levels in the Centro Subarea have
8 remained the same or continued to decline, despite Centro Subarea Producers reducing pumping
9 consistent with the Free Production Allowance (“FPA”) and Alto Subarea Producers purportedly
10 meeting their Minimum Subarea Obligations, as Watermaster has reported in its Annual Reports.

11 10. Falling water levels became particularly pronounced beginning in late 2017 near the
12 City of Barstow and Lenwood and Hodge Recharge Sites resulting in water quality impacts to
13 GSWC’s Bradshaw Wellfield which consists of eleven active production wells.

14 11. At the same time, nitrate levels in four of the production wells increased to levels
15 exceeding the Nitrate as Nitrogen maximum contaminant level of 10 milligrams per liter. In
16 response to these impacts in 2017, GSWC was forced to take these wells out of service and to
17 construct a five million dollar nitrate treatment facility to treat and contain the nitrate
18 impacted supply. The on-going operation and maintenance cost of the nitrate system is on the order
19 of two million dollars per year. Nitrate impacts are continuing to expand to additional wells at the
20 Bradshaw Wellfield and expansion of the newly constructed treatment facility may be necessary.

21 12. On July 6, 2018, the Court directed that Watermaster prepare an update
22 “Consumptive Water Use Study and Production Safe Yield Update, 2017–2018 Water Year” report.

23 13. On March 26, 2019, GSWC submitted comments on the Draft Twenty-fifth Annual
24 Report of the Mojave Basin Area Watermaster (Water Year 2017–18), detailing the
25 above-referenced impacts to its operations. The 2017–18 Annual Report and 2019 PSY
26 update were finalized on May 1, 2019.

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28 ¹ All capitalized terms not defined here have the same meaning as set forth in the Judgment.

1 14. On June 11, 2019, I, together with other representatives of GSWC and Pacific Gas
2 & Electric (“**PG&E**”) (like GSWC, PG&E is a Party to the Judgment and operates a number of
3 groundwater wells in the Centro Subarea), met with Tom McCarthy, General Manager of the
4 Mojave Water Agency, Robert Wagner, the Watermaster Engineer, and Valerie Wiegenstein, the
5 Watermaster Services Manager, to discuss GSWC’s comments on the 2017–18 Annual Report
6 and related matters. I requested, and Watermaster staff agreed, to provide, certain information
7 and data to facilitate GSWC’s understanding about the estimated and measured data sets currently
8 known, and identify potential data needs to better understand flow from the transition zone
9 and upper portion of the Centro Subarea.

10 15. I attended the Court’s June 26, 2019 Hearing on Mojave Water Agency’s Motion to
11 Adjust Free Production Allowance for Water Year 2019–2020 and Johnson’s Motion to Direct
12 the Watermaster to Consider Alternatives.

13 16. I reviewed the Court’s July 23, 2019 Order (1) Granting as Modified the
14 Watermaster’s Motion to Adjust Free Production Allowance for Water Year 2019–2020,
15 (2) Continuing the Hearing on the Johnsons’ Motion to Direct the Watermaster to
16 Consider Alternatives, and (3) Inviting Further Briefing.

17 17. On August 29, 2019, I filed a Declaration in Support of GSWC’s Response to the
18 Court’s July 23, 2019 Order. In my August 29, 2019 declaration, I raised concerns that certain
19 components used in Watermaster’s 2019 PSY update were based on estimates that had not been
20 adequately verified with measured data. Specifically, I noted that Subsurface Flow assumption of
21 2,000 acre-feet of inflow into the Centro Subarea from the Transition Zone may not be accurate
22 based on the unknown geology and hydrogeology of the Helendale Fault. I also raised concerns
23 that the Watermaster’s assumption of constant surface water inflows to the Centro Subarea may be
24 reasonable given the significant declining water levels in the Centro Subarea in 2017 and 2018,
25 even when taking into account pumping in the Centro Subarea. I also requested that the
26 Watermaster provide additional evidence to support its 2019 PSY update calculations, further
27 investigate assumptions related to inflows into the Centro Subarea from the Transition Zone and
28 pursue verification of actual flows through direct measurements.

1 18. Following the meeting on June 11, 2019 and other activities above, GSWC, PG&E,
2 Watermaster and Newberry Springs Recreational Lakes Association representatives met on
3 October 23, 2019 to continue the discussion, to coordinate a tour, and to request additional data and
4 analysis, including further data requests and a request for an evaluation of the Transition Zone’s
5 hydrogeology and water balance. However, the COVID-19 pandemic and staff turnover at the
6 Mojave Water Agency paused further coordination.

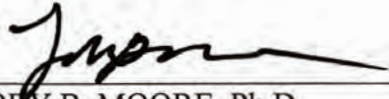
7 19. In May and June 2021, GSWC contacted Watermaster staff about resuming the
8 discussions of the Transition Zone assumptions and flows into the Centro Subarea before the
9 hearing on the 2019-20 Twenty-seventh Annual Basin Area Report. Watermaster and GSWC
10 communicated intermittently during 2021 and early 2022, but never resolved the outstanding action
11 items.

12 20. From 2019 through the present, I, along with other GSWC personnel, have been
13 tracking Court hearings and Watermaster actions related to implementation of the Judgment,
14 including, but not limited to, the Court’s September 16, 2022 order directing the Watermaster to
15 again update the PSY for each of the Subareas. On January 16, 2024, I, along with other GSWC
16 personnel and consultants, met with Watermaster representatives to preview the preliminary
17 analysis of the Watermaster Engineer’s most recent PSY update for the Centro Subarea and related
18 issues associated with the Transition Zone. Based on information and belief, this presentation was
19 substantially similar to the presentation to the Watermaster Board of Directors on January 24, 2024.
20 During this meeting, I again expressed concerns that Watermaster’s assumptions for the Transition
21 Zone may impact inflows into the Centro Subarea. At Watermaster’s February 28, 2024 meeting,
22 I made public comments highlighting the written comments submitted by Stephanie Osler Hastings
23 of Brownstein Hyatt Farber Schreck, LLP on behalf of GSWC, which again explained GSWC and
24 my concerns regarding the accuracy of the Watermaster Engineer’s most recent PSY update and its
25 potential effect on GSWC’s operations.

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

3 Executed on May 21, 2024 at TUSTIN, California.

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7 _____
8 TOBY B. MOORE, Ph.D.

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EXHIBIT 1

TOBY B. MOORE, PHD, PG, CHG

Golden State Water Company
(909) 305-5427, TobyMoore@gswater.com

EMPLOYMENT HISTORY

2007 to Present: Water Resources Manager/Chief Hydrogeologist, Golden State Water Company
2005 to 2007: Interim District Manager, Central District, Golden State Water Company
2004 to 2005: Water Quality Manager, Region III, Golden State Water Company
2003 to 2004: Water Quality Engineer, Golden State Water Company, Orange County District
1996 to 2003: Associate Hydrogeologist, Mission Geoscience, Irvine, CA
1994 to 1996: Engineering Geologist Intern, State of California Regional Water Quality Control Board, Los Angeles Region, Planning Division, Los Angeles, CA
1993 to 1996: Stormwater Committee and Speaker's Bureau Member, Heal-the-Bay, Santa Monica, CA
1985 to 1993: Research Scientist and Teaching Assistant, Earth and Space Sciences, UCLA
1985 to 1991: Research Team Member, Precambrian Paleobiology Research Group
1981 to 1985: Laboratory Assistant, Earth and Space Sciences, UCLA

EDUCATION

University of California, Los Angeles, Ph.D. Degree in Geology, 1993
University of California, Los Angeles, B.S. Degree in Biology, 1984

REGISTRATIONS/CERTIFICATIONS

California Professional Geologist, License Number 6949
California Certified Hydrogeologist, License Number 781
California DOHS Water Distribution Operator Grade D2, Operator 27989

PROFESSIONAL AFFILIATIONS

American Water Works Association
National Ground Water Association
Groundwater Resource Association of California
UCLA Center for the Study of Evolution and the Origin of Life, Fellow (1985-87)

WATER MANAGEMENT BOARDS

California Groundwater Coalition (CGC) – Director and Vice President (2008 to 2020)
Pomona Valley Protective Association (PVPA) – Director (2008 to present)
Joint Management Committee, Los Alamitos Barrier Project – Member (2003 to present)
Six Basins Watermaster – Board Member (GSWC)
Central Basin Water Rights Panel – Board Member and Chair (Large Pumper Group)
Nipomo Mesa Management Area Technical Group Member (Santa Maria Adjudication)
Twitchell Management Area Representative (GSWC) (Santa Maria Adjudication)

PRESENTATIONS

GRA-CGC 17th Annual Legislative Symposium (2018) “Panel Presentation - SGMA and Adjudicated Groundwater Basins: How did we get here and where are we going?” Ontario, CA. March 21, 2018 (**T. Moore**, Invited Panelist).

AGWA-AGWT Annual Conference (2018) “Legal Issues: SGMA Implementation in Southern California” Ontario, CA. February 12, 2018 (**T. Moore**, Invited Panelist).

Moore, T. (2015) “An Investor-Owned Water Company Perspective on the Sustainable Groundwater Management Act”, California Water Association Spring Conference, Sacramento, CA. May 14, 2015. (Invited Presentation).

Moore, T. (2015) “An Investor-Owned Water Company Perspective on the Sustainable Groundwater Management Act”, American Groundwater Association – American Groundwater Trust Annual Conference, Ontario, CA. February 9, 2015 (Invited Presentation).

Moore, T. (2014) “What is Right (and Wrong) about how Groundwater is Managed (or Not) in California – A Retail Perspective”, Groundwater Resource Association of California Legislative Symposium, Sacramento, CA. April 8, 2014. (Invited Presentation).

Moore, T. (2012) “Managing a Diverse Groundwater Supply Portfolio in California”, Groundwater Resource Association of California Annual Meeting, Sacramento, CA, August 2012. (Invited Presentation).

PUBLICATIONS

Chang, D., **Moore, T.**, and Gedney, W. “Development of Strategies to Mitigate MTBE Contamination at a Domestic Supply Well” American Water Works Association, Water Quality Technical Conference (WQTC) 2000 Proceedings. Salt Lake City, UT.

California Regional Water Quality Control Board, Los Angeles Region. 1995. *Water Quality Control Plan, Los Angeles Region: Santa Clara River and Los Angeles River Basins.* (State Water Resources Control Board, Sacramento, Calif.).

Hayes, J. M., Bengtson, S., Hofmann, H. J., Lipps, J. H., Lowe, D. R., Mankiewicz, C., Mendelson, C. V., **Moore, T. B.**, Runnegar, B. N. and Strauss, H. 1992. Construction and use of geological, geochemical, and paleobiological databases. Chapter 21. In: J. W. Schopf and C. Klein (Eds.), *The Proterozoic Biosphere: A Multidisciplinary Study.* (Cambridge University Press: New York), pp. 855-863.

Mendelson, C. V., Bauld, J., Horodyski, R. J., Lipps, J. H., **Moore, T. B.** and Schopf, J. W. 1992. Proterozoic and selected Early Cambrian microfossils: prokaryotes and protists. Chapter 5. In: J. W. Schopf and C. Klein (Eds.), *The Proterozoic Biosphere: A Multidisciplinary Study.* (Cambridge University Press: New York), pp. 175-244.

Moore, T. B. and Schopf, J. W. 1992. Geographic and geologic data for PPRG rock samples. Chapter 14. In: J. W. Schopf and C. Klein (Eds.), *The Proterozoic Biosphere: A Multidisciplinary Study.* (Cambridge University Press: New York), pp. 603-693.

Moore, T. B., Horodyski, R. J., Lipps, J. H. and Schopf, J. W. 1992. Distinctive problematical Proterozoic microfossils. Chapter 5.6. In: J. W. Schopf and C. Klein (Eds.), *The Proterozoic Biosphere: A Multidisciplinary Study*. (Cambridge University Press: New York), pp. 233-235.

Strauss, H. and **Moore, T. B.** 1992. Abundances and isotopic compositions of carbon and sulfur species in whole rock and kerogen samples. Chapter 17. In: J. W. Schopf and C. Klein (Eds.), *The Proterozoic Biosphere: A Multidisciplinary Study*. (Cambridge University Press: New York), pp. 709-798.

Strauss, H., Des Marais, D. J., Hayes, J. M., **Moore, T. B.** and Schopf, J. W. 1992. Flow chart and processing procedures for rock samples. Chapter 15. In: J. W. Schopf and C. Klein (Eds.), *The Proterozoic Biosphere: A Multidisciplinary Study*. (Cambridge University Press: New York), pp. 695-698.

PROOF OF SERVICE

I am a citizen of the United States and employed in Santa Barbara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Brownstein Hyatt Farber Schreck, LLP, 1021 Anacapa Street, 2nd Floor, Santa Barbara, California 93101-2711. On May 21, 2024, I served a copy of the within document(s):

DECLARATION OF TOBY B. MOORE IN SUPPORT OF GOLDEN STATE WATER COMPANY'S OPPOSITION TO MOJAVE WATER AGENCY'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2024-2025

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address MEldridge@bhfs.com to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful

William J. Brunick, Esq.
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Attorneys for Defendant/Cross-Complainant
Mojave Water Agency

Valerie Wiegenstein
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Mojave Basin Area Watermaster

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 21, 2024, at Santa Barbara, California.


Melissa Eldridge

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

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

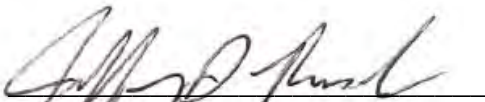
On May 22, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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 TOBY B. MOORE IN SUPPORT OF GOLDEN STATE WATER COMPANY'S OPPOSITION TO MOJAVE WATER AGENCY'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2024-2025

 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 May 22, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of May 22, 2024

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Mojave Basin Area Watermaster Service List as of May 22, 2024

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William.Decoursey@dot.ca.gov)
California Department Of Transportation (via
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CalPortland Company - Agriculture (via
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Attn: Catalina Fernandez-Moores
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CalPortland Company - Oro Grande Plant (via
email)
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Attn: Myron Campbell II
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Mojave Basin Area Watermaster Service List as of May 22, 2024

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Chino Hills, CA 91709-3175

Attn: Jared Beyeler
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San Bernardino, CA 92415-0023

Attn: Paco Cabral
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aaron.johnson@wildlife.ca.gov)
CDFW - Mojave River Fish Hatchery (via
email)
12550 Jacaranda Avenue
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16888 North E. Street
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Attn: Jennifer Cutler
Center Water Company
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Attn: Nancy Ryman
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Attn: Judith Dolch-Partridge, Trustee
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Mojave Basin Area Watermaster Service List as of May 22, 2024

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Mojave Basin Area Watermaster Service List as of May 22, 2024

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Mojave Basin Area Watermaster Service List as of May 22, 2024

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Attn: Lee Logsdon
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Mojave Basin Area Watermaster Service List as of May 22, 2024

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