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STEPHANIE OSLER HASTINGS (State Bar No. 186716)  
MACKENZIE W. CARLSON (State Bar No. 323850)  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
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GOLDEN STATE WATER COMPANY

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

MAY 21 2024

J. Alvarez

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

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

MOJAVE BASIN AREA WATER CASES

CITY OF BARSTOW, et al.,

Plaintiff,

v.

CITY OF ADELANTO, et al.,

Defendant.

JCCP NO.: 5265  
Lead Case No. CIV 208568

Assigned for All Purposes to the  
Honorable Harold W. Hopp, Dept. 1

**NOTICE OF LODGING OF EXHIBIT  
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 to Mojave  
Water Agency's Motion to Adjust Free  
Production Allowance for Water Year  
2024-2025; Declarations of Robert H.  
Abrams, Toby B. Moore, Stephanie Osler  
Hastings]

Date: June 4, 2024  
Time: 8:30 am  
Dept.: 1

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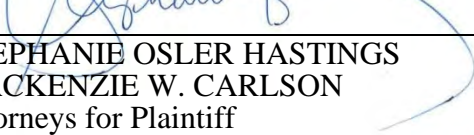
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Golden State Water Company (“**GSWC**”) hereby lodges with this Court the following document in support of its opposition to Mojave Water Agency’s (“**MWA**”) Motion to Adjust Free Production Allowance for Water Year 2024-2025 (“**Motion**”):

1. February 28, 2024 letter from Stephanie Hastings, Brownstein Hyatt Farber Schreck LLP, on behalf of GSWC, to the Board of Directors, Mojave Basin Area Watermaster, Mojave Water Agency Re: Agenda Item 7 - Comments on Watermaster’s Production Safe Yield Update (REVISED), inclusive of the attached February 23, 2024 memorandum from Anthony Brown and Robert H. Abrams, aquilogic, Inc., to Stephanie Hastings, Brownstein Hyatt Farber Schreck LLP, titled: “Progress Report and Mojave Basin Area Transition Zone Water Budget,” together with the transmittal email from Melissa Eldridge to Watermaster@mojavewater.org, dated February 28, 2024.

Dated: May 21, 2024

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

By:   
STEPHANIE OSLER HASTINGS  
MACKENZIE W. CARLSON  
Attorneys for Plaintiff  
GOLDEN STATE WATER COMPANY

# **EXHIBIT 1**

## **Eldridge, Melissa**

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**From:** Eldridge, Melissa <MEldridge@bhfs.com>

**Sent:** Wednesday, February 28, 2024 10:00 AM

**To:** Watermaster@mojavewater.org

**Cc:** Leland P. McElhaney <lmcelhaney@bmklawplc.com>; rcwagner@wbecorp.com; Hastings, Stephanie <SHastings@bhfs.com>; Carlson, Mack <mcarlson@bhfs.com>

**Subject:** Agenda Item 7 - Revised Comments on Watermaster's Production Safe Yield Update

On behalf of Golden State Water Company (GSWC), attached are revised comments related to the Mojave Basin Area (Basin) Watermaster's evaluation and update of the Production Safe Yield for each Subarea of the Basin. Please disregard the prior letter.

***Melissa A. Eldridge***

Legal Practice Assistant

**Brownstein Hyatt Farber Schreck, LLP**

1021 Anacapa Street, 2nd Floor

Santa Barbara, CA 93101

805.882.1482 tel

[MEldridge@bhfs.com](mailto:MEldridge@bhfs.com)

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***Brownstein - we're all in.***

February 28, 2024

Stephanie Osler Hastings  
Attorney at Law  
805.882.1415 direct  
shastings@bhfs.com

**VIA EMAIL TO: WATERMASTER@MOJAVEWATER.ORG**

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

**RE: Agenda Item 7 - Comments on Watermaster's Production Safe Yield Update (REVISED)**

Dear Board of Directors:

On behalf of Golden State Water Company (GSWC), we submit the following revised comments related to the Mojave Basin Area (Basin) Watermaster's evaluation and update of the Production Safe Yield (or PSY) for each Subarea of the Basin.<sup>1</sup> We request that the Watermaster review our comments and consider the attached technical analysis by aquilogic, Inc. (aquilogic) as the Watermaster continues to refine its update of the PSY for each Subarea—specifically Watermaster's estimate of flow across the Transition Zone—and issues its Free Production Allowance for Water Year 2024-25 and Annual Report for 2023-24 required by the Mojave Basin Judgment.

**I. Statement of Interest**

GSWC, formerly Southern California Water Company and a party to the Judgment, is a division of American States Water Company, a "Class A" utility regulated by the California Public Utilities Commission, provides water service to approximately 260,000 customers throughout California. GSWC's Mountain Desert District operates water systems within three of the Mojave Basin Subareas—Alto, Este, and Centro—and provides water service to 15,275 water service connections and a population of approximately 50,400 in and around the cities and communities of Barstow, Apple Valley, and Lucerne Valley. GSWC has adjudicated Base Annual Production<sup>2</sup> rights of 1,940 acre-feet per year (AFY) in the Alto Subarea, 178 AFY in the Este Subarea, and 14,407 AFY in the Centro Subarea. Groundwater produced from 29 wells located in these Subareas provides GSWC's sole source of supply for its Mountain Desert District customers. Accordingly, GSWC has a significant interest in

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<sup>1</sup> This February 28, 2024 revised comment letter clarifies statements in our prior February 27, 2024 comment letter and supersedes it. The clarifications are in Section V of this letter.

<sup>2</sup> All capitalized terms not defined herein have the same meaning as set forth in the Judgment.

implementation of the Judgment and management of the Basin, and in particular the sustainability of those Subareas in which GSWC operates—especially in the Centro Subarea.

## **II. Importance of the Accuracy of the Calculation of PSY**

The accuracy of the PSY for each Subarea is critical to implement the Physical Solution imposed by the Judgment. Based on the PSY, Watermaster adjusts the Free Production Allowance (or FPA) for each Subarea. Given the importance of the calculation of PSY and FPA under the Judgment and its corresponding effects on Producers' rights, the Watermaster has the obligation to use the best available records and data, and install, operate, and maintain measurement devices to monitor streamflow and groundwater levels.<sup>3</sup>

## **III. Water Levels in the Centro Subarea Continue to Decline**

Since entry of the Judgment in 1996, water levels in the Centro Subarea have remained the same or continued to decline, despite Centro Subarea Producers reducing pumping consistent with the FPAs and Alta Subarea Producers purportedly meeting their Minimum Subarea Obligations, as Watermaster has reported in its Annual Reports.<sup>4</sup> Falling water levels became particularly pronounced beginning in late 2017 near the City of Barstow and Lenwood and Hodge Recharge Sites resulting in water quality impacts to GSWC's Bradshaw Wellfield which consists of eleven active production wells. At the same time, nitrate levels in four of the production wells increased to levels exceeding the Nitrate MCL of 10 mg/l. GSWC was forced to take these wells out of service and to construct a \$5 million dollar nitrate treatment facility to treat and contain the nitrate impacted supply. The on-going operation and maintenance cost of the nitrate system is on the order of \$2 million per year. Nitrate impacts are continuing to expand to additional wells at the Bradshaw Wellfield and expansion of the newly constructed treatment facility may be necessary.

## **IV. Concern with Accuracy of Watermaster's Estimate of Flow Across the Transition Zone and the Resulting Impact on Watermaster's Calculation of PSY**

GSWC has reviewed the Watermaster Engineer's presentation to the Watermaster Board on January 24, 2024 and also the memorandum from Robert C. Wagner regarding the Transition Zone Water Balance memorandum, dated February 28, 2024, and recently posted to the Watermaster website. GSWC is concerned that the Watermaster's calculation of PSY and FPA do not accurately reflect observed conditions in the Centro subarea and that further study is required to ensure adequate and

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<sup>3</sup> Judgment, ¶¶ 24(e), (w), see also Judgment, Ex. G, ¶ 2(b), 6 (requiring installation of monitoring wells in the Transition Zone and at Subarea boundaries).

<sup>4</sup> See, e.g., Watermaster, 2021-2022 Twenty-ninth Annual Report, p. 28, Fig. 3-15 (May 1, 2023) available at [https://www.mojavewater.org/wp-content/uploads/2023/10/29AR2122\\_Revised.pdf](https://www.mojavewater.org/wp-content/uploads/2023/10/29AR2122_Revised.pdf) (acknowledging some seasonal variability in water levels but noting continuing decline in water levels for at least the past 10 years).

sustainable supplies to GSWC's Barstow System. The accuracy of the Watermaster's calculation of flow across the Transition Zone is of critical importance to the Watermaster's calculation of the PSY and FPAs for each Subarea.<sup>5</sup>

#### **V. GSWC Commissioned an Independent Analysis of Flow Across the Transition Zone**

In anticipation of the Watermaster's update of the PSY, GSWC asked aquilogic to analyze inflows into the Centro Subarea from the Transition Zone. Aquilogic's analysis, presented in the enclosed memorandum dated February 23, 2024 and titled "Progress Report and Mojave Basin Transition Zone Water Budget" (hereafter, "aquilogic memorandum") concludes that surface water inflow into the Centro Subarea may be overestimated because the Watermaster's assumption that all inflows into the Transition Zone at the Lower Narrows gage, adjusted by an estimated Transition Zone water balance, are equal to inflows into the Centro Subarea is likely incorrect.

The aquilogic memorandum describes the available stream gages along the Mojave River in the vicinity of the Transition Zone. It identifies that Lower Narrows gage provides a long-term dataset at the upstream boundary of the Transition Zone (adjacent to the Alto Subarea), but no similar long-term downstream gage exists at the Transition Zone boundary with the Centro Subarea.<sup>6</sup> Aquilogic, however, identifies that the Wild Crossing gage historically existed near the Centro Subarea and Transition Zone boundary between March 1966 through October 1970.<sup>7</sup> The Wild Crossing gage provides the best available data that show the potential change in surface flows in the Mojave River across the Transition Zone by comparing flow rates at the Lower Narrows and Wild Crossing gages.<sup>8</sup> Based on the data available, surface water flows at the Wild Crossing gage, when operational, were significantly lower than those at the Lower Narrows gage, suggesting that the Mojave River recharges groundwater in the Transition Zone rather than flowing into the Centro Subarea, as Watermaster assumes.<sup>9</sup>

Further, aquilogic identified that the average annual net stream recharge within the Transition Zone between Water Year 1966-1970 was approximately 59,500 AFY.<sup>10</sup> When compared to the Judgment's estimate of 2,000 AFY of Subsurface Flow between the Transition Zone and the Centro Subarea, it is

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<sup>5</sup> The Judgment requires that the Watermaster rely on pertinent hydrologic data and estimates, including the factors and criteria identified in Exhibits C and H of the Judgment, to calculate the PSY and FPAs. (See Judgment, ¶¶ 2(a), 24(o), (w), Exes. C & H.) For example, Exhibit C to the Judgment explains the process to establish the Base Flow and Storm Flow in the Mojave River at the Lower Narrows (Transition Zone boundary with the Alto Subarea) to estimate inflows into the Centro Subarea that inform the calculation of PSY and FPA. (See Judgment, Ex. C, ¶ B(1).)

<sup>6</sup> The aquilogic memorandum identifies that closest gages to the Centro Subarea and Transition Zone boundary are the Barstow gage and the recently established Hodge/Hinkley gage, which are more than eight miles from the boundary and have significant limitations due to the width of the river channel at these locations. (aquilogic memorandum, p. 2.)

<sup>7</sup> *Id.* at p. 2.

<sup>8</sup> *Id.* at p. 3.

<sup>9</sup> See *id.* at p. 3, Fig. 2.

<sup>10</sup> See *id.* at pp. 3-4, Fig. 3.

unclear without additional analysis what happens to this additional recharge.<sup>11</sup> Based on available well information, the aquilogic memorandum finds that it is reasonable to conclude that groundwater pumping within the Transition Zone, along with environmental uses, remove the additional stream recharge from the Transition Zone.<sup>12</sup> In sum, the assumption that Centro Subarea stream inflow equals stream discharge measure at the Lower Narrows gage, adjusted by an estimated Transition Zone water balance, may not be accurate.<sup>13</sup>

The aquilogic memorandum further analysis to estimate the PSY and FPA for the Centro Subarea more accurately, including:

- preparation of a more detailed Transition Zone water budget based on U.S. Geological Survey modeling and other data sources;<sup>14</sup>
- expansion of the model domain used for the PSY to include all of the Transition Zone, Centro and Baja Subareas; and
- preparation of a written draft report for stakeholder review and comment prior to submission to the court.<sup>15</sup>

Given the impacts of falling water levels in the Centro Subarea on GSWC operations and facilities, coupled with aquilogic's analysis and recommendations presented in the attached memorandum, GSWC believes additional analysis of flow across the Transition Zone is warranted to support implementation of the Judgment.

## **VI. GSWC Request for Further Analysis of the Transition Zone as Part of the PSY Update**

GSWC respectfully requests that the Watermaster consider these comments and the aquilogic memorandum before completing its update of PSY for each Subarea and before issuing its Free Production Allowance for Water Year 2024-25 and Annual Report for 2023-24. In addition, should the recommended analysis show the need for additional subsurface and surface monitoring to evaluate hydrogeologic conditions with the Transition Zone, especially at the Centro Subarea boundary, GSWC asks Watermaster to commit to install, operate, and maintain appropriate monitoring equipment to address data gaps.

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<sup>11</sup> *Id.* at p. 4; Judgment, Ex. G, ¶ 1(e).

<sup>12</sup> aquilogic memorandum, p. 5.

<sup>13</sup> The aquilogic memorandum also notes that 15,095 AF of treated wastewater was discharged in the Transition Zone downstream of the Lower Narrows gage in Water Year 2022, suggesting that Watermaster's assumptions for the Transition Zone require further review based on current conditions as well. (aquilogic memorandum, p. 5.)

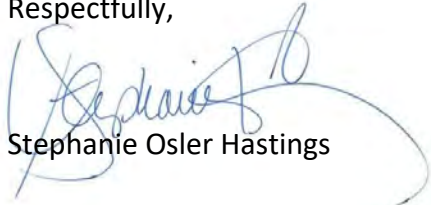
<sup>14</sup> See *id.* at pp. 6-7.

<sup>15</sup> The February 28, 2024 Watermaster memorandum does not appear to include the recommended analyses.



Thank you for your consideration of these comments. GSWC appreciates the Watermaster's commitment to further evaluate Basin conditions as required by and as necessary to implement the Judgment effectively.

Respectfully,

A handwritten signature in blue ink, appearing to read "Stephanie Osler Hastings", is written over a large, light blue circular scribble.

Stephanie Osler Hastings

cc: Leland McElhaney, Brunick, McElhaney & Kennedy  
Robert Wagner, Watermaster Engineer

Attached: aquilogic, Inc. memorandum, dated February 23, 2024

## MEMORANDUM

To: Stephanie Hastings, Shareholder, Brownstein, Farber, Hyatt, Schreck, LLP  
From: Anthony Brown, Principal-in-Charge, aquilogic, Inc.  
Robert H. Abrams, Ph.D., P.G., CHg., Senior Principal Consultant, aquilogic, Inc.  
Date: February 23, 2024

**Subject: Progress Report and Mojave Basin Transition Zone Water Budget**

Project No.: 018-10

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Aquilogic, Inc. (**aquilogic**) has prepared this memorandum for two purposes. First, the memorandum documents preliminary work performed for the Golden State Water Company in the Mojave Basin pertaining to water outflow from the Transition Zone, which represents inflow to the Centro Subarea (**Figure 1**). Preliminary work indicates this outflow may be overestimated by the Mojave Basin Watermaster (Watermaster). Consequently, inflow to the Centro Subarea may also be overestimated. Second, the memorandum outlines an approach to provide further assessment of this outflow/inflow, to be supported by data and analyses.

The Mojave Basin is subject to a Stipulated Judgment (Judgment) of water rights.<sup>1</sup> The Judgment stipulates that Alto Subarea Producers have an obligation to deliver 23,000 acre-feet per year (AFY) of Subsurface Flow<sup>2</sup> and Base Flow<sup>3</sup> to the Transition Zone. Watermaster appears to assume that surface water inflow to the Transition Zone provides the basis for estimating surface water inflow to the Centro Subarea.<sup>4</sup> However, there is no direct evidence to support this assumption. In fact, there is direct evidence that this assumption may be incorrect.

## BACKGROUND

The Transition Zone is defined in the Judgment as part of the Alto Subarea. Watermaster assumes that the Alto Subarea Producers' obligation to the Transition Zone is satisfied by inflow to the Transition Zone from upstream portions of the Alto Subarea.<sup>5</sup> This inflow is comprised of Subsurface Flow and Base Flow. The obligation to the Transition Zone appears to be considered by Watermaster to also satisfy an obligation to the Centro Subarea. For example, the first annual report notes, "[s]uch discharge records are used in the calculations of compliance by Alto

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<sup>1</sup> Riverside (1996). Judgment after Trial, Mojave Basin Area Adjudication. City of Barstow et al. v. City of Adelanto et al. Riverside County Superior Court Case No. 208568. January 10.

<sup>2</sup> Subsurface Flow is defined in the Judgment as, "Groundwater which flows beneath the earth's surface."

<sup>3</sup> Base Flow is defined in the Judgment as, "That portion of the total surface flow measured Annually at Lower Narrows which remains after subtracting Storm Flow."

<sup>4</sup> After accounting for estimated gains/losses in the Transition Zone, such as sewage treatment plant outfall and estimated consumptive use, as stated or implied in multiple annual reports.

<sup>5</sup> Watermaster (1995). First annual report of the Mojave Basin Area Watermaster, 1993-1994, City of Barstow et al. v. City of Adelanto et al. Riverside County Superior Court Case No. 208568, Riverside County. February 28.

*Subarea Producers with their obligation to the Centro Subarea.*<sup>6</sup> Subsequent annual reports contain similar statements.

The Judgment specifies that 2,000 AFY of the Alto Producers' obligation to the Transition Zone is satisfied by Subsurface Flow. Watermaster assumes that groundwater inflow to the Centro Subarea from the Transition Zone is also 2,000 AFY.<sup>7,8</sup> Therefore, Watermaster appears to assume that 21,000 AFY of the obligation to the Centro Subarea must be satisfied by Base Flow from the Transition Zone.

Watermaster states that the change of groundwater storage in the Transition Zone is zero because water levels in key piezometers near both the upstream and downstream boundaries of the Transition Zone are relatively constant.<sup>9</sup> Because of this, Watermaster assumes Mojave River discharge measured at the Lower Narrows gage, adjusted by an estimated Transition Zone water balance, is essentially equivalent to Mojave River discharge entering the Centro Subarea<sup>10</sup> (**Figure 1**). However, there is no active stream gage at the upstream boundary of the Centro Subarea. Therefore, Watermaster's assumption regarding inflow to the Centro Subarea cannot be evaluated directly.

## STREAM DISCHARGE

There are no stream gages in most of the Transition Zone. However, there is one long-term gage (i.e., water year [WY] 1931 to present) located at the upstream boundary of the Transition Zone (Lower Narrows gage) (**Figure 1**). Another long-term stream gage is located near the Centro Subarea-Baja Subarea boundary (Barstow gage). A stream gage has recently been re-established approximately eight miles downstream of the Transition Zone-Centro Subarea boundary (Hodge/Hinkley gage).

The Hodge/Hinkley and Barstow gages measure discharge across an ephemeral Mojave River channel that can be over 0.25 miles wide. Discharge is generally limited at these gages to Storm Flow (i.e., very little, if any, Base Flow is measured by these gages).<sup>11</sup> The wide channel leads to uncertainty in the stream discharge measurements from these gages because Storm Flows may

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<sup>6</sup> Watermaster (1995). First annual report of the Mojave Basin Area Watermaster, 1993-1994, City of Barstow et al. v. City of Adelanto et al. Riverside County Superior Court Case No. 208568, Riverside County. February 28.

<sup>7</sup> As stated or implied in multiple annual reports.

<sup>8</sup> However, it should be noted that the cross-sectional area for groundwater flow between the Transition Zone and the Centro Subarea potentially expands and contracts with varying volumes of Transition Zone recharge, which may increase or decrease the assumed 2,000 AFY of Subsurface Flow. Studies to understand the geometry of this potentially dynamic cross-sectional area are warranted but have not yet been undertaken by Watermaster.

<sup>9</sup> As stated or implied in multiple annual reports

<sup>10</sup> The Lower Narrows gage is located at the upstream boundary of the Transition Zone.

<sup>11</sup> Storm Flow is defined in the Judgment as *"That portion of the total surface flow originating from precipitation and runoff without having first percolated to Groundwater storage in the zone of saturation and passing a particular point of reckoning, as determined annually by the Watermaster."*

not always fill the entire width of the channel or may flow in parts of the channel away from the gage. Nevertheless, discharge measurements from these gages are the best available data.

From WY 1931 through WY 2023, Mojave River discharge at the Lower Narrows gage averaged 46,100 AFY. Discharge decreased by an average of 341 AFY over that period. From WY 1994 through WY 2023, Mojave River discharge at the Lower Narrows gage averaged 28,300 AFY. The decrease in average annual discharge over this period increased to 521 AFY.

As noted, there is no active stream gage at or adjacent to the Centro Subarea's upstream boundary. However, there was such a gage from March 1966 through WY 1970: the Wild Crossing gage (**Figure 1**).

## DATA ANALYSIS

The Wild Crossing gage was discontinued because of unstable controls and changing stage-discharge relations that did not allow for acceptable discharge records.<sup>12</sup> However, stream discharge measured at the Wild Crossing gage is the best data available that can show the potential change in discharge between the upstream boundary of the Transition Zone and the upstream boundary of the Centro Subarea, despite its shortcomings and relatively short period of record. It should be noted that the Hodge/Hinkley gage was also discontinued two different times since 1932 because of unstable controls and changing stage-discharge relations. However, it was reestablished in 2022, which suggests high-quality data can be gathered at gage locations previously deemed problematic.

### Stream Recharge to Groundwater

**Figure 2** shows the annual discharge at the Lower Narrows gage, the Wild Crossing gage, and the Barstow gage for the period WY 1966 through WY 1970.<sup>13</sup> For the purposes of this analysis, net stream recharge to groundwater is approximated as the difference in discharge between successive gages.<sup>14</sup> Discharge at the Wild Crossing gage was lower than discharge at the Lower Narrows gage every year during this period. WY 1969 is particularly striking because annual stream discharge at the Wild Crossing gage (156,000 AF) was 135,000 AF lower than discharge at the Lower Narrows gage (291,000 AF), a decrease of approximately 46 percent.<sup>15</sup>

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<sup>12</sup> Lines, G.C. (1996). Ground-water and surface-water relations along the Mojave River, Southern California: U.S. Geological Survey Water-Resources Investigations Report 95-4189, 43 p.

<sup>13</sup> The Wild Crossing gage was not active until March 1, 1966, thus may underestimate the annual discharge for WY 1966.

<sup>14</sup> This is a reasonable approximation, even though it ignores Base Flow and evapotranspiration, because most of the flow measured at the Wild Crossing gage and the Barstow gage are from episodic storm events. However, evapotranspiration along the stream course may require further evaluation.

<sup>15</sup> WY 1969 represents the largest amount of discharge on record for the Lower Narrows, Wild Crossing, and Barstow gages.

The consistent pattern of lower stream discharge at the Wild Crossing gage compared to the Lower Narrows gage during this period indicates that stream discharge at the Lower Narrows gage was more likely than not significantly greater than stream discharge entering the Centro Subarea. Furthermore, the consistent pattern indicates that significant net stream recharge to groundwater from the Mojave River likely occurred in the Transition Zone.

**Figure 3** shows that the average annual stream discharge for WY 1966-1970 decreased substantially between the Lower Narrows and Wild Crossing gages (i.e., by approximately 51,500 AFY). The total average annual net stream recharge between the Lower Narrows gage and the Barstow gage for the WY 1966-1970 period was approximately 59,500 AFY (**Figure 3**). Thus, 86 percent of the total net stream recharge between the Lower Narrows and Barstow gages occurred between the Lower Narrows gage and the Wild Crossing gage, i.e., in the Transition Zone (**Figure 3**). Net stream recharge between the Wild Crossing gage and the Barstow gage (i.e., the Centro Subarea) represents only 14 percent of the total net stream recharge between the Lower Narrows and Barstow gages.

As noted, net stream recharge in the Transition Zone averaged approximately 51,500 AFY for WY 1966-1970. Also as noted, the Judgment specifies that Subsurface Flow into the Centro Subarea from the Transition Zone is 2,000 AFY. Thus, the fate of the Transition Zone net stream recharge is unclear without further analysis, which is discussed below.

## Groundwater Extractions

Groundwater extraction data were obtained for 1951-1973 and WY 1994-2022 from the Mojave Water Agency (MWA).<sup>16</sup> Data were analyzed for 1966-1970 and WY 1994-2022 to determine annual groundwater extractions in the Transition Zone. Data from the earlier period were scanned from hard copy and digitized. Data from the later period were provided digitally.

**Figures 4** and **5** show the wells for which extractions were reported for the 1966-1970 and WY 1994-2022 periods, respectively. Groundwater extractions were compared to stream recharge to assess if extractions may account for the fate of the Transition Zone stream recharge.

The upper panel of **Figure 6** compares the annual stream recharge in the Transition Zone to the annual reported groundwater extractions. As noted, the WY 1969 stream discharge and recharge were anomalously high. They are statistical outliers, which may cause the average value of stream recharge for WY 1966-1970 to be skewed high when compared to average groundwater extractions, which typically do not have extreme changes year to year.

Rather than comparing average values for this period, the median values of annual stream recharge (33,234 AFY) and annual groundwater extractions (30,287 AFY) for the 1966-1970 period were compared. The median values suggest that most of the Mojave River net stream

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<sup>16</sup> Jeff Ruesch, Mojave Water Agency, email communications, July 2023.

recharge to groundwater in the Transition Zone during the 1966-1970 period was extracted by the approximately 260 wells completed in the Transition Zone at that time (**Figures 4 and 6**).

Transition Zone groundwater extractions in the 1966-1970 period may have facilitated higher net stream recharge by sufficiently changing the hydraulic gradient between the River and groundwater enough to induce stream recharge. This could occur even while water levels in key piezometers remain relatively constant. If so, the water-level data may appear to show that the change in groundwater storage in the Transition Zone is zero, when in fact the groundwater flow system is highly dynamic and may include significant net stream recharge.

The lower panel of **Figure 6** shows groundwater extractions in the Transition Zone for the 1966-1970 and WY 1994-2022 periods. The median value for 1966-1970 was 30,287 AFY. The median value for WY 1994-2022 was 11,522 AFY. This is a significant decrease in pumping, likely due to implementation of the Judgment. This decrease may suggest that recent and current net stream recharge in the Transition Zone is minimal compared to the WY 1966-1970 period.

However, a reasonable hypothesis is that significant net stream recharge continued to occur proportionately in the Transition Zone in the recent past and is currently occurring. The analysis described above suggests that groundwater extractions, on average, may remove an equivalent volume of net stream recharge from the Transition Zone. If so, surface water inflow to the Centro Subarea may be overestimated when based on the adjusted stream discharge measured at the Lower Narrows gage, because there may be unaccounted stream losses in the Transition Zone.

Additionally, the occurrence of Transition Zone stream losses and the effect of groundwater extractions and phreatophytes on streamflow losses and stream discharge in the Mojave Basin has been noted in previous reports prepared by others.<sup>17,18</sup> Furthermore, it should be noted that 15,095 AF of treated wastewater was discharged to the Transition Zone downstream of the Lower Narrows stream gage during WY 2022.<sup>19</sup>

## **OUTLINE OF PROPOSED WORK TO FURTHER EVALUATE THE TRANSITION ZONE WATER BUDGET**

Watermaster was directed by the Court in 2022 to re-evaluate the Production Safe Yield (PSY) for each Subarea. **Aquilologic** believes a rigorous reevaluation must include a detailed

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<sup>17</sup> Stamos, C.L., Martin, P., Nishikawa, T., and Cox, B.F. (2001). Simulation of ground-water flow in the Mojave River Basin, California. U.S. Geologic Survey Water-Resources Investigations Report 01-4002 Version 1.1.

<sup>18</sup> Todd Engineers (2013). Final report: Conceptual hydrogeologic model and assessment of water supply and demand for the Centro and Baja Management Subareas, Mojave River Groundwater Basin. Prepared by Todd Engineers and Kennedy/Jenks Consultants for the Mojave Water Agency. July.

<sup>19</sup> Watermaster (2023). Twenty-ninth annual report of the Mojave Basin Area Watermaster, water year 2021-2022, City of Barstow et al. v. City of Adelanto et al. Riverside County Superior Court Case No. 208568, Riverside County. May 1.

redetermination of the Transition Zone water budget. Material presented to date by Watermaster does not appear to have included a redetermined Transition Zone water budget.<sup>20</sup>

The analyses performed to date by **aquilogic** and others suggest that groundwater flow dynamics and the Transition Zone water budget are complex. The analyses provide a foundation for deeper evaluation of the Transition Zone water budget and its evolution through time. For example, the **aquilogic** analyses reported here can form components of an overall water budget evaluation. The objective of such an evaluation would be to provide an in-depth analysis of the volume of water that flows into the Centro Subarea annually.

A complete water budget would include all inflows, outflows, and the change of groundwater storage over time. Previous work by others can be leveraged to support development of a complete water budget. For example, the Judgment specifies that 2,000 AFY of groundwater flows into the Centro Subarea from the Transition Zone. This flow rate was specified before in-depth modeling was conducted by the U.S. Geological Survey (USGS) or MWA. A deeper analysis may reveal that this specified flow rate is too low or too high.

Groundwater flow into the Centro Subarea occurs in the Mojave River alluvium, in deeper horizons across the Helendale Fault, and other areas along the Transition Zone-Centro Subarea boundary (**Figure 1**). This flow rate is difficult to assess without using a groundwater flow model. A groundwater model can be used to contribute to a complete water budget evaluation by calculating the transient change in groundwater storage and groundwater flow rates that cannot otherwise be determined due to lack of data in key locations. **Aquilogic** strongly recommends that the current Mojave Basin groundwater flow model used by Watermaster be updated to include the entire basin, as soon as possible. In its current form, it is premature to use the model for any analyses involving the Transition Zone.

The water budget for the Transition Zone should be developed with sufficient detail and rigor to at least meet Sustainable Groundwater Management Act (SGMA) regulations for historic and current water budgets. A preliminary list of tasks to be performed includes, but may not be limited to, the following:

- Compile and review available previous work by others on groundwater flow and water budgets in the Alto and Centro Subareas, including the Transition Zone
- Evaluate the usefulness of the USGS Basin Characterization Model (BCM)<sup>21</sup> and the Parameter-elevation Regressions on Independent Slopes Model (PRISM)<sup>22</sup> dataset for application to the Transition Zone water budget

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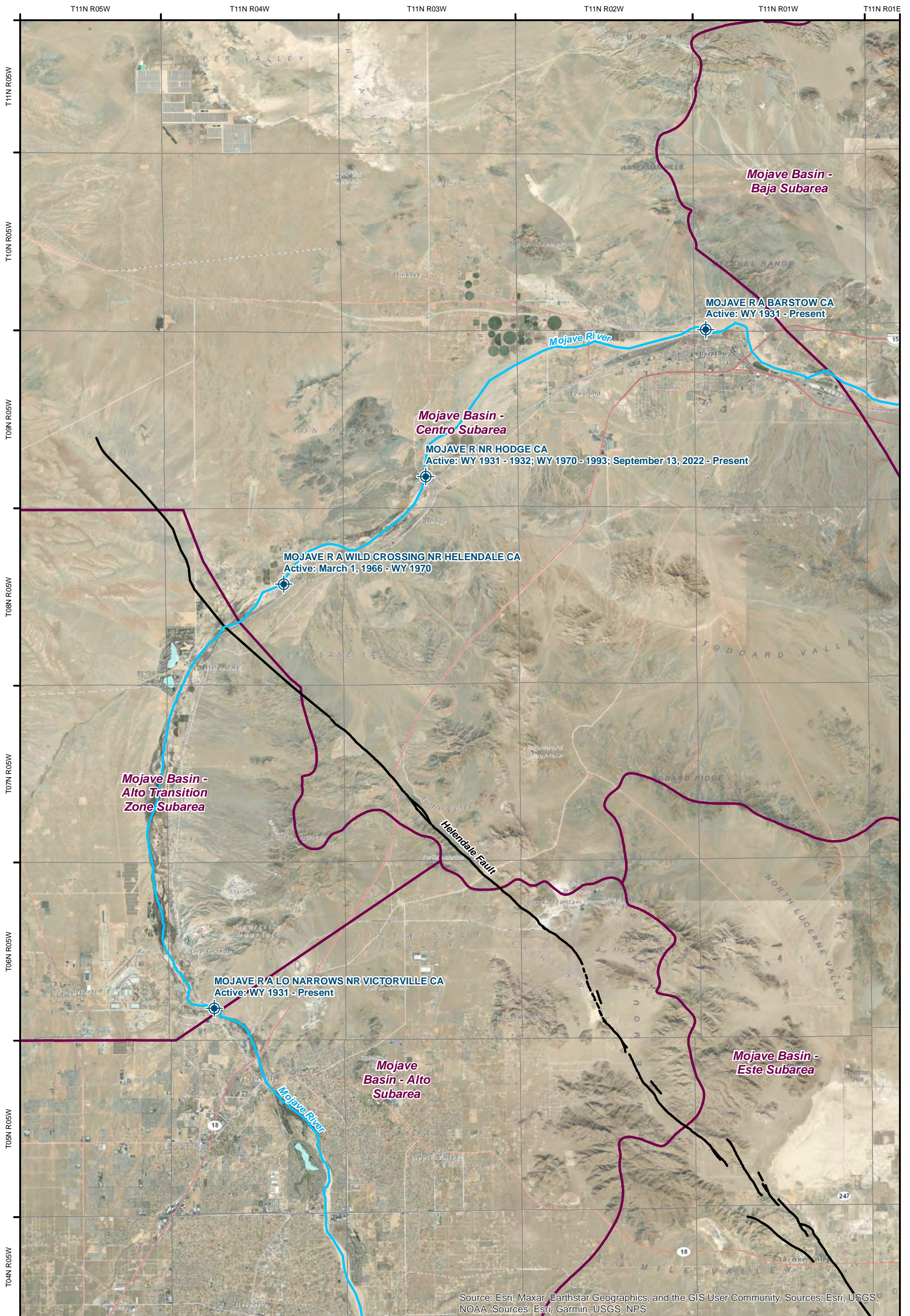
<sup>20</sup> Watermaster (2024). Groundwater Model and Production Safe Yield Update. Watermaster presentation prepared by Wagner and Bonsignore, Consulting Civil Engineers. Mojave Water Agency / Watermaster Board Meeting, January 24, 2024.

<sup>21</sup> [https://ca.water.usgs.gov/projects/reg\\_hydro/basin-characterization-model.html](https://ca.water.usgs.gov/projects/reg_hydro/basin-characterization-model.html)

<sup>22</sup> <https://prism.oregonstate.edu/>

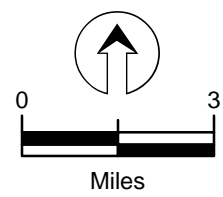
- Evaluate groundwater levels in the Transition Zone from WY 1931-present, with particular focus on the WY 1966-1970 and WY 1994-2022 periods to support the analyses described above
  - Estimate evapotranspiration by standard methods, including the use of satellite and areal images, and compare with previous studies
  - Compile all available water level data for the Transition Zone
  - Evaluate the water level data in terms of changes in well hydrographs and spatial water-level distributions over time
  - Determine if groundwater levels increased, decreased, or remained the same during the WY 1966-1970 period
- Use the USGS model and the updated MWA model (if and when available) to further evaluate the WY 1966-1970 period
  - Update the USGS model as needed, including groundwater extractions and potentially extending the model in time
  - Evaluate Transition Zone changes in groundwater storage, stream recharge, effects of evapotranspiration, groundwater extractions, and surface and groundwater flow into the Centro Subarea
- Critically evaluate results and available previous work to determine the best estimate of the Transition Zone water budget
- Identify data gaps and limitations in the analyses
- Effectively communicate the results to stakeholders
- Thoroughly document the analyses and prepare both draft and final reports





- Stream Gages
- Helendale Fault
- Mojave River
- Adjudicated Areas
- Township/Range

**Notes:**  
All locations approximate.  
WY: Water Year

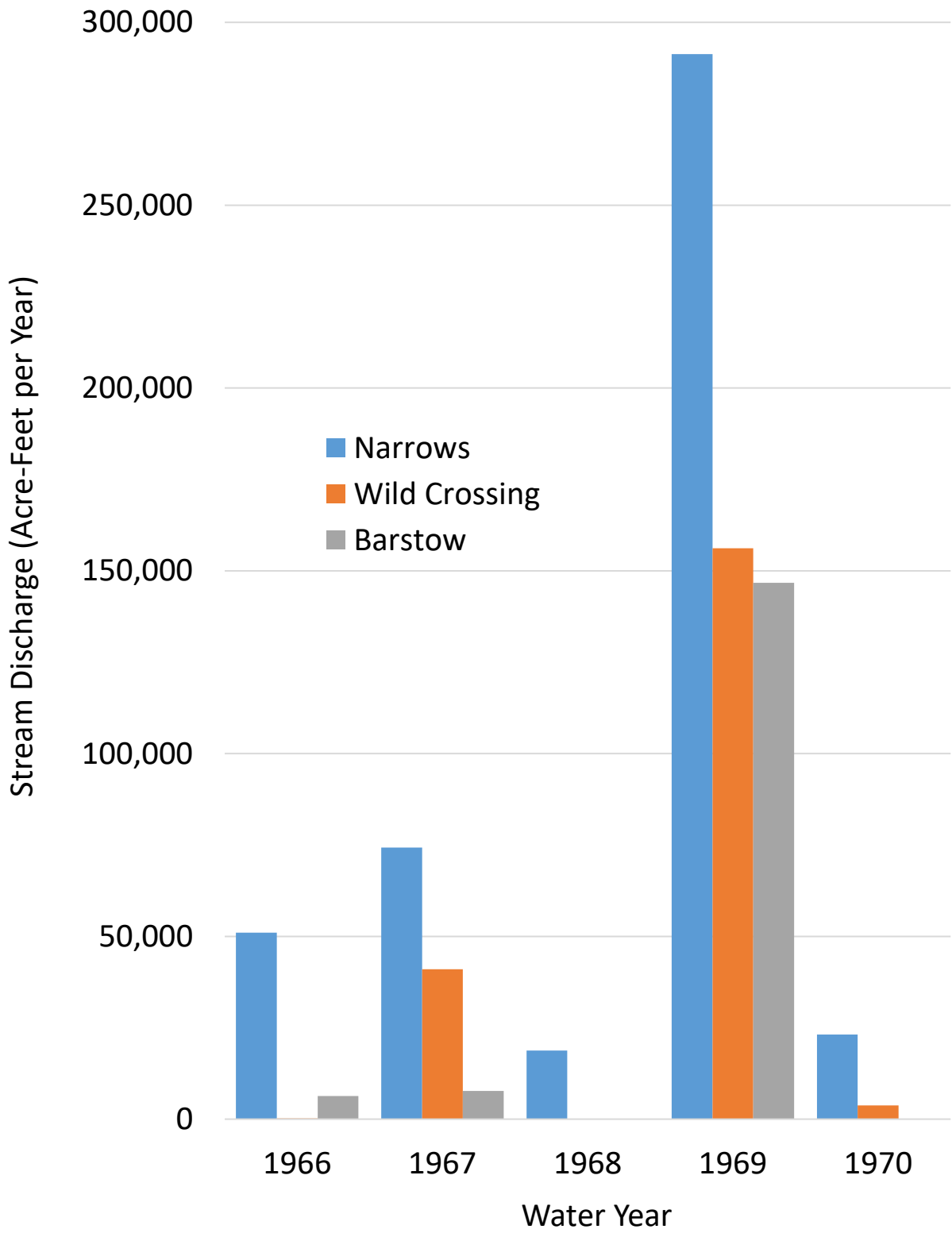


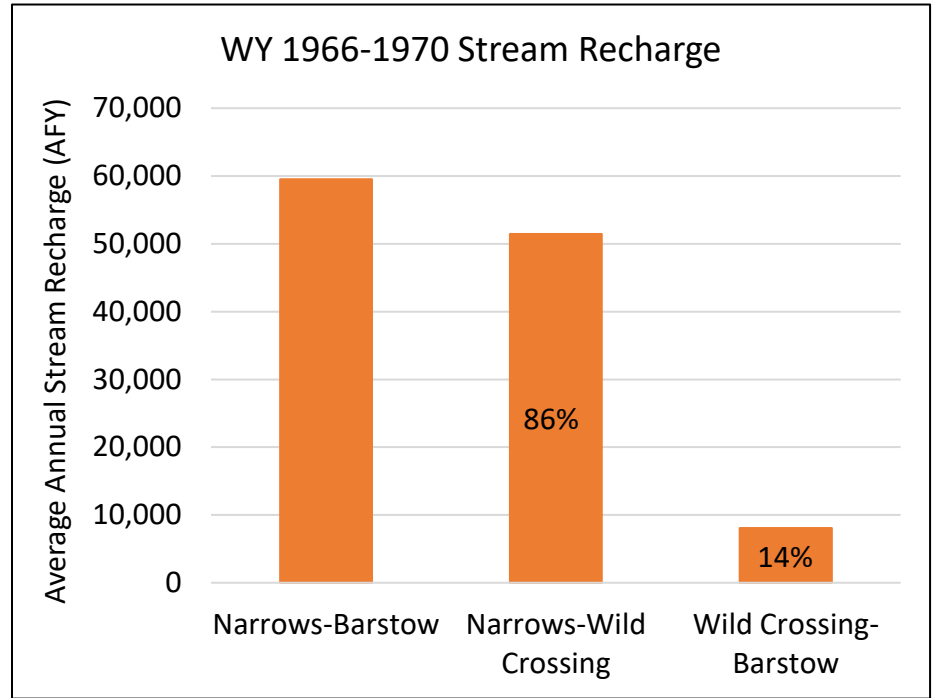
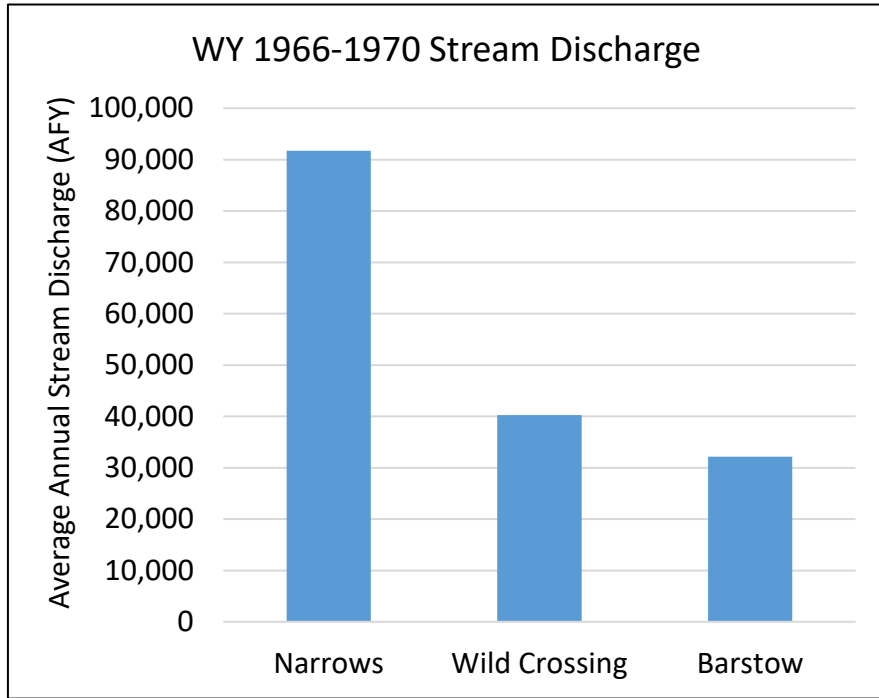
aquilologic, Inc. BHFS - GSWC Mojave

**Key Features in the Mojave Basin**

Date: 10/18/2023	Project #: 018-10	<b>Figure 1</b>
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AFY: Acre-Feet per Year  
 WY: Water Year

 aquillogic, Inc.

BHFS- GSWC Mojave

### Stream Discharge and Recharge

Date: 2/23/2024

Project #: 018-10

Figure 3



T08N R05W

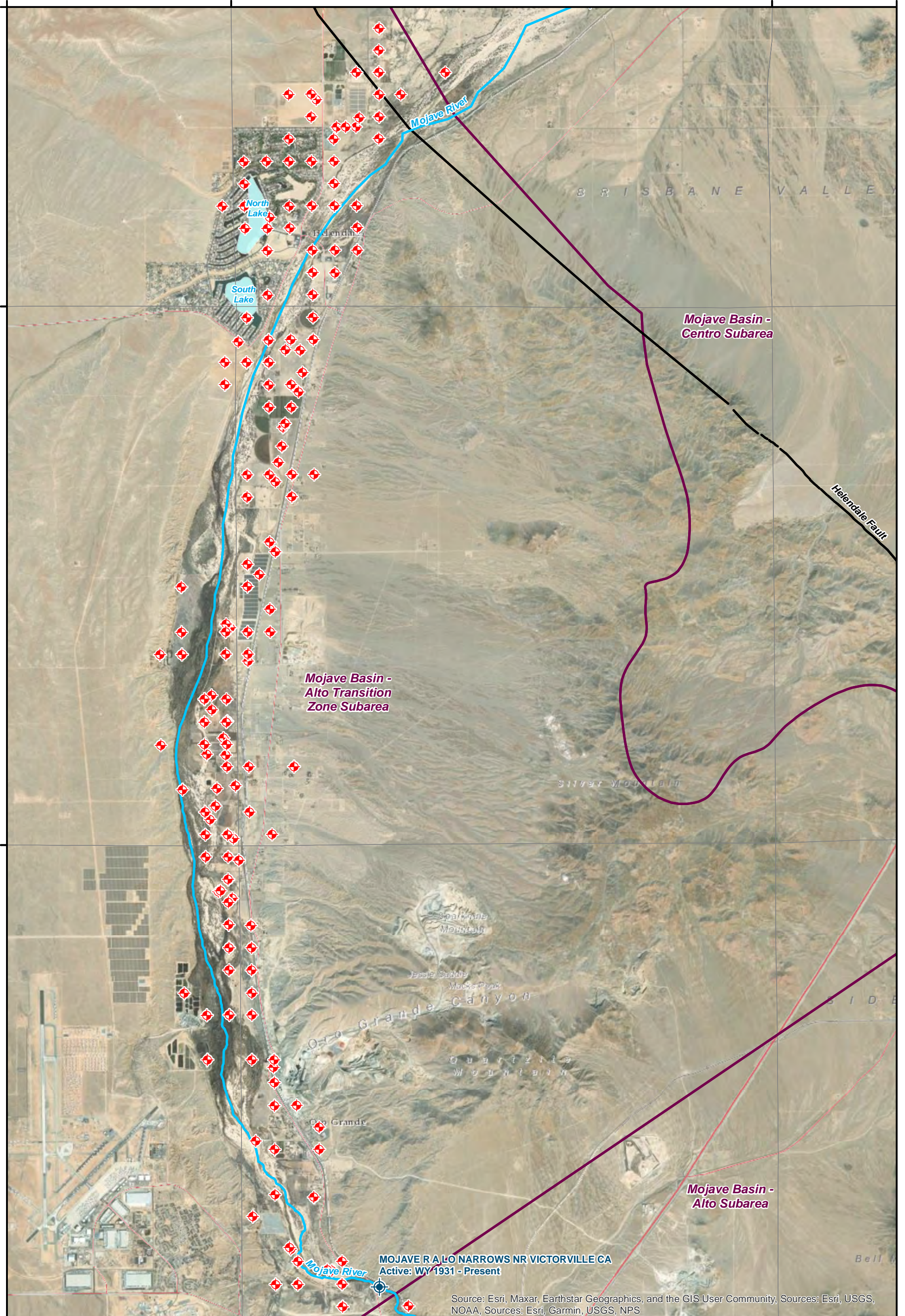
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T08N R03W

T08N R05W

T07N R05W

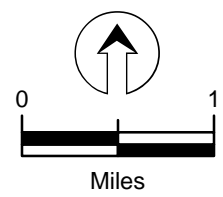
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MOJAVE R & LO NARROWS NR VICTORVILLE CA  
 Active: WY 1931 - Present

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS

- ◆ Production Well Locations
  - Stream Gages
  - Helendale Fault
  - Mojave River
  - Adjudicated Areas
  - Township/Range
- Notes:**  
 All locations approximate.



<b>aquilogic, Inc.</b>		BHFS - GSWC Mojave
<b>Transition Zone Production Wells</b>		
<b>1966-1970</b>		
Date: 10/18/2023	Project #: 018-10	<b>Figure 4</b>



T08N R05W

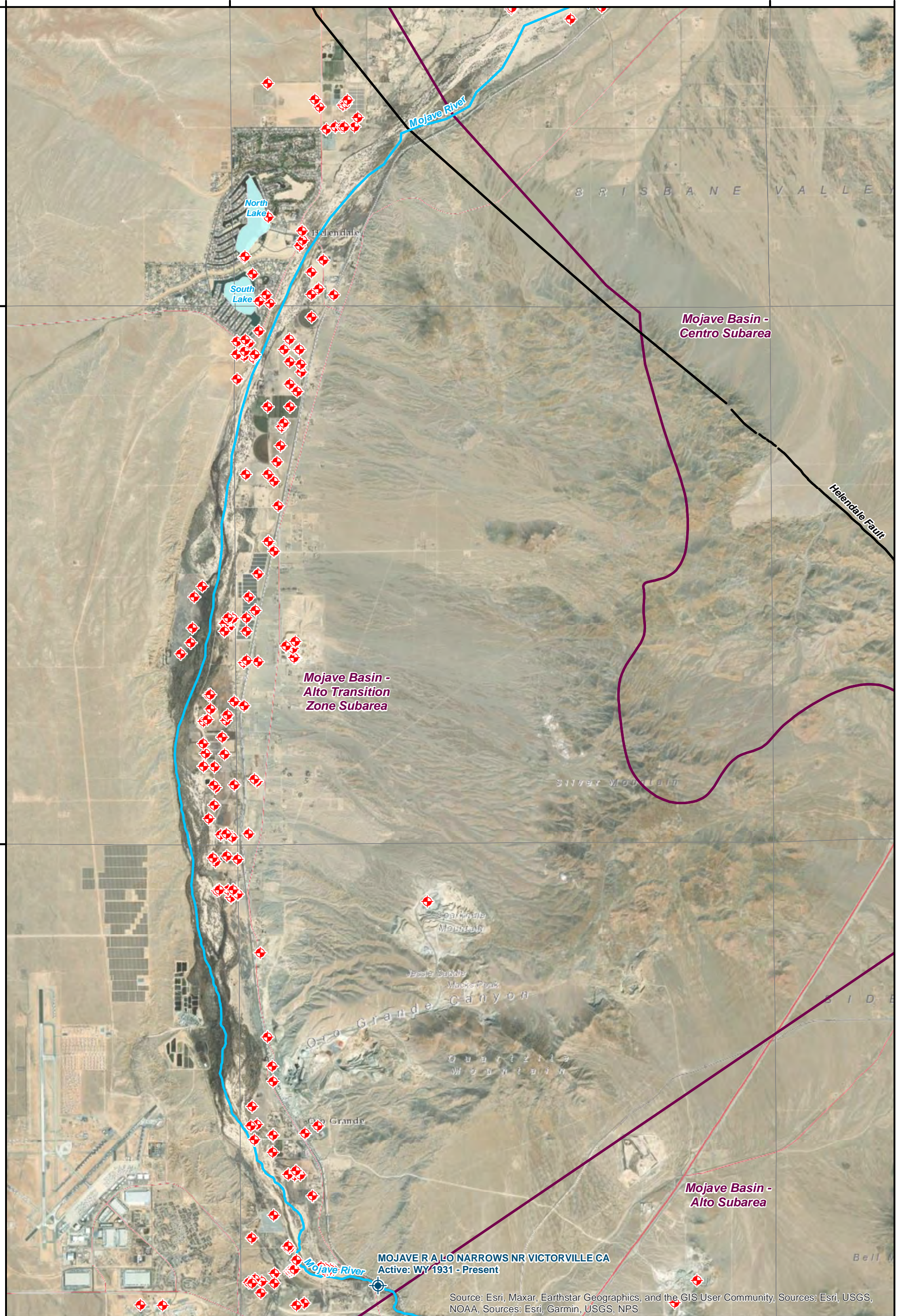
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T08N R03W

T08N R05W

T07N R05W

T06N R05W

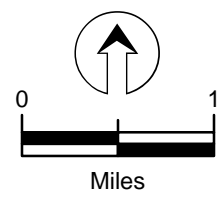


MOJAVE R & LO NARROWS NR VICTORVILLE CA  
Active: WY 1931 - Present

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS

- ◆ Production Well Locations
- Stream Gages
- Helendale Fault
- Mojave River
- Adjudicated Areas
- Township/Range

**Notes:**  
All locations approximate.  
WY: Water Year

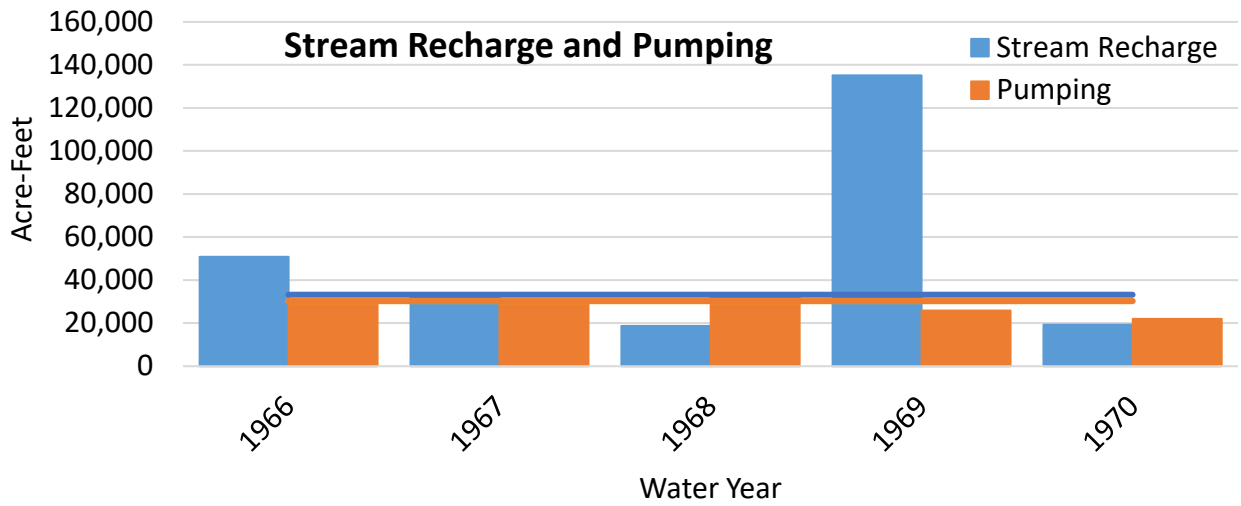


aquilogic, Inc. BHFS - GSWC Mojave

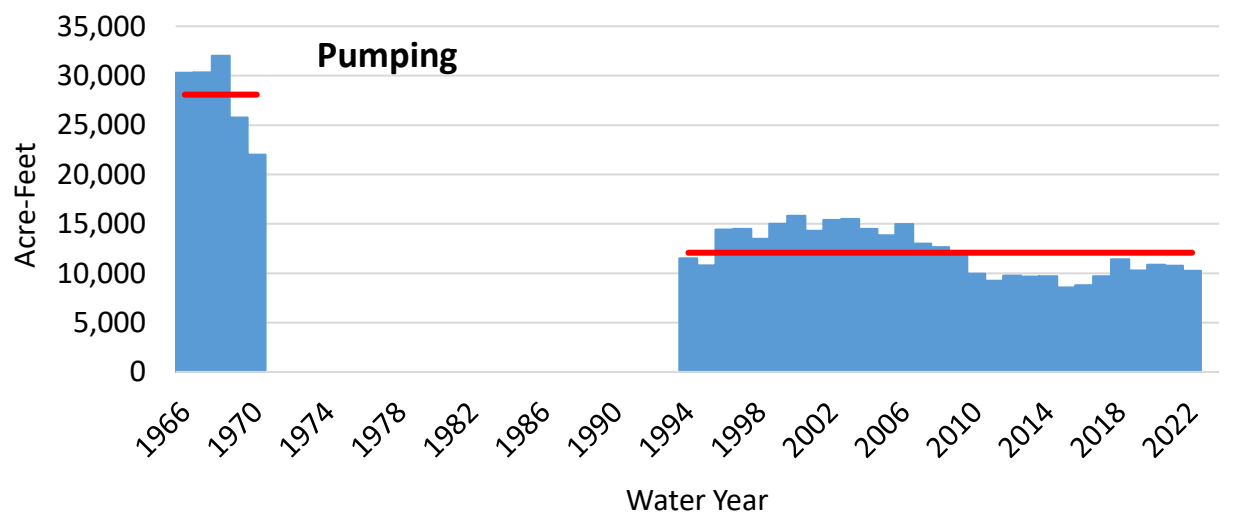
### Transition Zone Production Wells WY 1994 - 2022

Date: 10/18/2023	Project #: 018-10	<b>Figure 5</b>
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1966-1970  
 Median Stream Recharge = 33,234 AFY  
 1966-1970  
 Median Pumping = 30,287 AFY



1966-1970  
 Median = 30,287 AFY

1994-2022  
 Median = 11,522 AFY

**PROOF OF SERVICE**

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

**NOTICE OF LODGING OF EXHIBIT 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) listed above to be sent to the persons at the e-mail addresses listed below

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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.

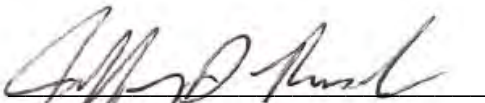
On May 22, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

**NOTICE OF LODGING OF EXHIBIT 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



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Apple Valley, CA 92307-0026

Attn: David Dorrance  
Dorrance, David W. and Tamela L.  
118 River Road Circle  
Wimberley, TX 78676-5060

Attn: David Looper  
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

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Attn: David Dittenmore  
(d2dittenmore@bop.gov; rslayman@bop.gov)  
Federal Bureau of Prisons, Victorville (via email)  
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Adelanto, CA 92301-5400

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Fernandez, Arturo (via email)  
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Attn: Daisy Cruz  
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Fundamental Christian Endeavors, Inc. (via email)  
49191 Cherokee Road  
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Gabrych, Eugene  
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Gabrych, Eugene  
2006 Old Highway 395  
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Attn: Mitch Hammack  
Gabrych, Eugene  
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Gaeta, Miguel and Maria  
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## Mojave Basin Area Watermaster Service List as of May 22, 2024

Attn: Jay Storer  
Gaeta, Trinidad  
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Garcia, Daniel  
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Lake Jackson, TX 77566-3728

Attn: Sang Hwal Kim  
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Garg, Om P.  
358 Chorus  
Irvine, CA 92618-1414

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Gayjikian, Samuel and Hazel  
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Attn: Jeffrey Edwards  
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GenOn California South, LP (via email)  
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Daggett, CA 92327-0337

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

Attn: Scot Gasper  
Gordon Acres Water Company  
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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  
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41717 Silver Valley Road  
Newberry Springs, CA 92365-9517

Attn: Nick Grill (terawatt@juno.com)  
Grill, Nicholas P. and Millie D. (via email)  
35350 Mountain View Rd  
Hinkley, CA 92347-9613

Gubler, Hans  
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24116 Santa Fe  
Hinkley, CA 92347

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12221 Poplar Street, Unit #3  
Hesperia, CA, CA 92344-9287

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

Attn: William Handrinos  
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Adelanto, CA 92301-9308

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Hanify, Michael D., dba - White Bear Ranch  
PO BOX 1021  
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Attn: Matt Wood  
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Hanson Aggregates WRP, Inc. (via email)  
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Attn: Mary Jane Hareson  
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Attn: Kenny Harmsen (harmsencow@aol.com)  
Harmsen Family Trust (via email)  
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11352 Hesperia Road, #2  
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ccarlson@helendalecsd.org)  
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## Mojave Basin Area Watermaster Service List as of May 22, 2024

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Hesperia, CA 92345-3493

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Attn: Jeremy McDonald  
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Attn: Carabeth Carter ()  
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Attn: Katherine Hill (Khill9@comcast.net)  
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Ho, Ting-Seng and Ah-Git  
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Holway Jeffrey R and Patricia Gage (via email)  
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Attn: Paul Hong  
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Attn: Ester Hubbard  
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Attn: Daniel and Karen Gray  
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Im, Nicholas Nak-Kyun (via email)  
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## Mojave Basin Area Watermaster Service List as of May 22, 2024

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Inglewood, CA 90303-

Attn: James Jackson Jr.  
Jackson, James N. Jr Revocable Living Trust  
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Attn: Lawrence Dean  
Jackson, Ray Revocable Trust No. 45801  
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Redlands, CA 92375-1450

Attn: Audrey Goller  
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Jamboree Housing Corporation (via email)  
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Victorville, CA 92395-2800

Attn: Gary A. Ledford  
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Jess Ranch Water Company (via email)  
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Johnson, Paul - Industrial (via email)  
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Apple Valley, CA 92308-8330

Johnson, Ronald  
1156 Clovis Circle  
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Attn: Lawrence W. Johnston  
Johnston, Harriet and Johnston, Lawrence W.  
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Attn: Magdalena Jones  
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Jones Trust dated March 16, 2002 (via email)  
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Jones, Joette  
81352 Fuchsia Ave.  
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Attn: Paul Jordan  
Jordan Family Trust  
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Barstow, CA 92311-2057

Attn: Ray Gagné  
Jubilee Mutual Water Company  
P. O. Box 1016  
Lucerne Valley, CA 92356

Attn: Lee Logsdon  
Juniper Riviera County Water District  
P. O. Box 618  
Lucerne Valley, CA 92356-0618

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Newberry Springs, CA 92365

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Koering, Richard and Koering, Donna  
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## Mojave Basin Area Watermaster Service List as of May 22, 2024

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Lee, et al., Sepoong and Woo Poong  
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4474 W. Cheyenne Drive  
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Attn: Billy Liang  
Liang, Yuan - I and Tzu - Mei Chen  
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Attn: Eric Larsen  
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2026 Turnball Canyon  
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Low, Dean (via email)  
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Lucerne Valley, CA 92356

Attn: Manoucher Sarbaz  
Lucerne Valley Partners  
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Attn: Marian Walent  
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Lucerne Vista Mutual Water Company (via  
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Attn: Eugene R. & Vickie R. Bird  
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Attn: Maria Martinez  
M.B. Landscaping and Nursery, Inc.  
6831 Lime Avenue  
Long Beach, CA 90805-1423

Attn: Robert Saidi  
Mahjoubi, Afsar S.  
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## Mojave Basin Area Watermaster Service List as of May 22, 2024

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Attn: Olivia L. Mead  
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MLH, LLC (via email)  
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Mojave Water Agency (via email)  
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Music, Zajo (via email)  
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Attn: Jodi Howard  
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Newberry Springs, CA 92365-

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Norris Trust, Mary Ann  
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## Mojave Basin Area Watermaster Service List as of May 22, 2024

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Oasis World Mission (via email)  
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Attn: Dorothy Ohai  
Ohai, Reynolds and Dorothy  
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Attn: Craig Maetzold  
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Attn: John P. Oostdam  
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Hemet, CA 92545-2246

Attn: Nick Higgs  
Oro Grande School District  
P. O. Box 386  
Oro Grande, CA 92368-0386

Attn: Taghi Shoraka  
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