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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF RIVERSIDE**

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

JCCP NO.: 5265
Lead Case No: CIV 208568

13 **MOJAVE BASIN WATER CASES**

Dept. 1, Riverside Superior Court
Hon. Harold W. Hopp, Judge Presiding

14 **CITY OF BARSTOW,**

15 Plaintiff,

16 vs.

17 **CITY OF ADELANTO, et al.,**

18 Defendant.

**WATERMASTER'S REPLY BRIEF IN
SUPPORT OF MOTION TO ADJUST
FREE PRODUCTION ALLOWANCE FOR
WATER YEAR 2024-2025**

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

Reservation ID: 459779359960

19 **AND RELATED CROSS ACTIONS**

Assigned for All Purposes to:
Hon. Harold W. Hopp, Judge Presiding

21
22 The Mojave Water Agency, acting in its capacity as the Mojave Basin Area Watermaster,
23 submits this Reply Brief in support of its motion to adjust free production allowance for water
24 year 2024-2025, and in response to the opposition filed by Golden State Water Company
25 ("GSWC") and the California Department of Fish and Wildlife ("CDFW").

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27 \\\
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I.

GSWC’s Opposition to the Motion is without merit

GSWC does not oppose Watermaster’s motion for adjustments to Free Production Allowance for water year 2024-2025. However, GSWC requests that Watermaster be ordered to take certain actions prior to submitting next year Watermaster’s recommendations for water year 2025-2026. As demonstrated below, the points of “opposition” which underlie GSWC’s requests are without merit, and Watermaster should not be “ordered” to take any of the actions proposed by GSWC:

A. The Wild Crossing gauge readings, upon which GSWC relies, are unreliable and were rejected.

Much of GSWC’s opposition is based upon purported stream flow readings by the Wild Crossing gage during the four year period from March 1966 to October 1970. GSWC contends the Wild Crossing gauge indicated stream flow losses of 51,500 acre-feet through the Helendale Fault and Watermaster does not explain the alleged “discrepancy.”

As explained in the attached supplemental declaration of Watermaster Engineer, Robert Wagner, the explanation is simple, to wit: the Wild Crossing gauge readings during the period in question were widely considered to be unreliable and likely inaccurate. As noted in the U.S. Geological Survey, “Water-Resources Investigations Report 95-4189, page 6:

Gaging station 10261900, Mojave River at Wild Crossing, near Helendale, was operated during water years 1967-70. About 7 mi farther downstream, gaging station 10262000, Mojave River near Hodge, was operated during water years 1931-32 and 1971- 93. **Both stations were discontinued because of unstable controls and changing stage-discharge relations that did not allow for acceptable discharge records.**

(Exhibit A hereto, emphasis added.)

Moreover, as noted in Mr. Wagner’s declaration attached to the Motion, the Watermaster’s estimate of 36,725 acre-feet of surface flow through the Helendale Fault and into the Centro Subarea, is fully consistent with and supported by other published data, to wit:

1 “We have estimated the average annual flow at Helendale Fault to be 36,725 acre-
2 feet per year (Exhibit 5, Appendix A, Table 1). Previous estimates of the flow at
3 Helendale Fault have been made by the California Department of Water
4 Resources, Bulletin 84, 1967 (35,200 AFA, 1936-1961), USGS, Stamos 2001,
5 1951-1999 (35,819 AFA at Vista Road near Helendale), and Webb Associates
6 (2000), 36,700 acre-feet, indicating the estimated average annual flow at
7 Helendale has been consistent since the 1930's.”

8 (Wagner Dec., Exhibit C to Motion, 5:3-8)

9 The referenced supporting data and analyses demonstrate further that the Wild Crossing
10 stream gage records during the four year period from 1966 to 1970 are unreliable and not a
11 proper basis for any calculation. Further explaining this point, Mr. Wagner’s supplemental
12 declaration attached as Exhibit A hereto stated:

13 GSWC’s opposition is based upon reported USGS streamflow data for a now
14 defunct stream gaging station, 10261900, Mojave River at Wild Crossing, near
15 Helendale. USGS reported stream flow estimates of the Mojave River at this
location from March 1966 to October 1970. This location is about 20 miles
downstream from the USGS stream gage at Lower Narrows near Victorville.

16 The record at Wild Crossing, near Helendale covers a short period, approximately
17 54 months, of which the record for 1968 is missing or incomplete. There are also
18 missing records in 1967 and 1970. I have attached hereto the printed record
19 published by USGS for the Wild Crossing, near Helendale Station. The published
20 report is called “United States Department of The Interior Geological Survey
21 Water Resources Division. Water Resources Data for California” Volume 1 and
22 shows the record of the Wild Crossing, near Helendale gage. This report is
23 attached as Exhibit 4. Notably, the data is rated poor for 1968, 1969, 1970, and
24 fair for 1967 (for 1967, record is rated poor for discharge above 1,000 cfs). For
25 1970, the report notes, “no gage height record during year.”

26 Approximately 83.6% of the total report flow represented by the above record
27 occurred in 1969 and about 15% occurred in 1967. In 1968 and 1970 about 1.4%
28 of the flow occurred. For 1969 the record notes, that “No gage-height record or
stage-discharge relation indefinite for Jan. 26-29, Feb. 2-5, 8-15, Feb. 26 to Mar.
17, Mar. 27 to Apr. 3, Apr. 25-30, May 10-15.” This represents 56 days out of
130 days of reported flow. The discharge for these 56 days was about 124,000
acre-feet or 54% of the total for the water year. In order to estimate a stream
discharge, a gage height and stage discharge relation must be established. As
reported for 1969, no data or stage discharge relation was established for at least
54% of the reported flow, and the entire record was rated as poor.

USGS Water-Resources Investigations Report 95-4189 (USGS, Lines 1996), page
6, notes that the gaging stations at Wild Crossing, near Helendale and at Hodge
(about 10 river miles downstream) were discontinued:

1 “Gaging station 10261900, Mojave River at Wild Crossing, near Helendale, was
2 operated during water years 1967-70. About 7 mi farther downstream, gaging
3 station 10262000, Mojave River near Hodge, was operated during water years
4 1931-32 and 1971- 93. Both stations were discontinued because of unstable
5 controls and changing stage-discharge relations that did not allow for acceptable
6 discharge records.

7 There were very few, if any, direct measurements taken at Wild Crossing, near
8 Helendale. Such measurements are essential to define the stage discharge
9 relationship. We requested field notes and direct measurements for Wild
10 Crossing, near Helendale from USGS and received the following response from
11 Johnathan Newby at USGS on April 18, 2024.

12 “Unfortunately there are no inspections/measurements in our system for
13 10261900. I also checked our paper backfile and did not find anything there as
14 well.”

15 By contrast to the foregoing, the USGS gage Mojave River at Lower Narrows,
16 near Victorville is measured directly by USGS staff once per week, and has been
17 measured at this frequency since about 1996. Further the Wild Crossing, near
18 Helendale gage record of 54 incomplete months is too short to be used to establish
19 relationships between the Lower Narrows gage and Transition Zone. The record
20 at Lower Narrows covers the years, 1900-1906, and 1931 to present
21 (approximately 1,200 months).

22 The stream gage record at Wild Crossing, near Helendale is short, unreliable,
23 incomplete and was discontinued because unstable conditions did not allow for
24 acceptable discharge records.

25 (Wagner Suppl. Dec., Exhibit A hereto, 2:7-3:21.)

26 For the foregoing reasons, GSWC’s opposition predicated on the Wild Crossing gage’s
27 readings is without merit, and does not warrant “ordering” Watermaster to do anything.

28 **B. GSWC’s production issues.**

GSWC also argues Watermaster and the Watermaster Engineer should be ordered to
analyze the causes of drawdown in GSWC and other Producer wells within the Barstow area.
However, the Watermaster Engineer has analyzed and identified that cause of the drawdown,
and it does not require a degree in rocket science to understand the reason for the drawdown in
that area, to wit:

“We note that Golden State Water Company has experienced problems with its
production wells in some areas due to declining water levels. We have presented
Watermaster with data showing that concentrated pumping (Exhibit 6) in small,
segmented aquifers along the river are depleted faster than they can be recharged

1 through long dry periods (2012-2022 for example). . . . **Due to concentrated**
2 **pumping in this area** by Industrial, agricultural, and municipal parties, water
3 levels are depressed during long drought periods, and respond positively to storm
4 events. The continuous importation of water to satisfy the annual deficit in the
5 upstream area will help mitigate this and other downstream issues.”

6 (Wagner Dec., Exhibit C to Motion, 4:11-24; emphasis added).

7 Therefore, the Watermaster Engineer has already analyzed and identified the cause of the
8 drawdown, and the Watermaster should not be “ordered” to perform any analysis beyond its
9 customary and ongoing consideration and analysis of drawdown issues in all five Subareas of
10 the Mojave Basin Area.

11 **C. The Judgment requires consideration of “average” stream flows.**

12 GSWC further complains that Watermaster’s reliance on historical data “may
13 overestimate outflow from the Transition Zone into the Centro Subarea.” However, the
14 Judgment requires that the Watermaster consider and base its estimates on “**average**” stream
15 flows. In this connection, the trial court’s Amended Statement of Decision states:

16 The flow requirements between subareas are as follows: . . . c) Alto to Centro 21,000
17 acre-feet **average** annual surface flow as measured at the lower narrows . . .

18 Likewise, Exhibit G of the Judgment governs “Subarea Obligations” and, in pertinent
19 part states:

20 1. Subarea Obligations. Producers in the respective subareas shall have the obligation
21 to provide the following **average** Annual and minimum Annual Subsurface Flows and/or Base
22 Flow per year: . . .

23 e. Alto Subarea Producers – an **average** Annual combined Subsurface Flow and Base
24 Flow of 23,000 acre-feet per Year to the Transition Zone.

25 The Judgment defines “Subarea Obligation” to mean, “the **average** Annual amount of
26 water that a subarea is obligated to provide to an adjoining downstream Subarea or the
27 Transition Zone . . .” Accordingly, Watermaster’s reliance on historical data is required in order
28 to comply with the Judgment’s mandate to calculate/estimate “average” annual flows from the

1 Alto Subarea (which includes the Transition Zone) to the Centro Subarea.

2 Additionally, it is important to note that while the Transition Zone is guaranteed a certain
3 quantity of water every year, the Centro and Barstow subareas are not. For the foregoing
4 reasons, GSWC’s criticism of Watermaster’s reliance on “historical data” to determine
5 “average” flows also is without merit.

6 **D. Installation of additional stream gauges or monitoring wells.**

7 GSWC asks the Court to Order Watermaster to replace the Wild Crossing stream gauge,
8 or establish a stream gauge at or near the Helendale Fault to directly measure surface water
9 inflows into the Centro Subarea. GSWC also argues the Judgment requires installation of
10 monitoring wells “in the Transition Zone and at Subarea boundaries.” The answer to GSWC’s
11 argument and request is as follows: monitoring wells are, in fact, present in the Transition Zone
12 and near the Helendale Fault (see Wagner supplemental declaration attached hereto, 4:1-2). Mr.
13 Wagner’s supplemental declaration also notes that installation of a stream gauge at or near the
14 Helendale Fault would “be subject to the same conditions that resulted in [the Wild Crossing
15 gage’s] abandonment, as noted by USGS, Line, 1996. Similarly, installing a stream gage at or
16 near the Helendale Fault as suggested by GSWC would encounter the same conditions, resulting
17 in an unreliable record” (Wagner Suppl. Dec., Exhibit A hereto, 3:21-25).

18 Data from the monitoring wells located at or near the Helendale Fault are used by the
19 Watermaster and the Watermaster Engineer annually. Such data is published in the
20 Watermaster’s Report every year.

21 Therefore, GSWC’s request that the Court order Watermaster to instal an additional
22 stream gauge or additional monitoring wells at the Helendale Fault also is without merit.

23 **E. Water budget for Transition Zone.**

24 GSWC also argues Watermaster should be required to prepare an annual water budget
25 for the Transition Zone “as recommended by Aquilogic.” For the following reasons, this
26 suggestion also is without merit and unwarranted. As Mr. Wagner explains in his supplemental
27 declaration:

28 “In response to GSWC’s suggestion that Watermaster prepare a water budget for
WATERMASTER’S REPLY BRIEF IN SUPPORT OF MOTION TO ADJUST FREE PRODUCTION ALLOWANCE
FOR WATER YEAR 2024-2025

1 the TZ as recommended by Aquilogic, there are two significant elements of the
2 water balance to the TZ, both of which are measured or based directly on
3 measurement. The waste stream from the Victor Valley Wastewater Treatment
4 Plant is discharged within the TZ and is measured and discharged within the TZ.
5 The flow at Lower Narrows is measured directly by USGS weekly to estimate the
6 mean daily discharge. Both of these records are considered reliable and adequate
7 for estimating the water balance in the TZ and calculating outflow across the
8 Helendale Fault. The water budget elements recommended by Aquilogic are
9 already included in the water budget analysis for the TZ. The use of the USGS
10 Basin Characterization Model (BCM) and the Parameter-elevation Regressions
11 on Independent Slopes Model (PRISM) are included in the Upper Mojave Basin
12 Model.”

13 (Wagner Suppl. Dec., Exhibit A hereto, 4:3-12.)

14 **F. Upper Mojave Basin Model**

15 GSWC also criticizes Watermaster’s use of the Upper Mojave Basin Model to
16 estimate flows from the Transition Zone into the Centro Subarea. Again, GSWC’s criticism
17 is unwarranted. As explained in Watermater Engineer’s declaration, the Upper Mojave Basin
18 Model “incorporates hydrologic data and analysis to represent the conditions of the Alto
19 Subarea for the period 1951-2020. A description of the Model and its assumptions and
20 output is available as Appendix A-G of Exhibit 5.” (Wagner Dec., Exhibit C to Motion,
21 3:11-14).

22 “The model output for future conditions resulting from importing 17,475 acre-feet per
23 year in Alto will increase water flow at the Upper Narrows at the Mojave Narrows Regional
24 Park, increase flow through the Lower Narrows and support habitat throughout the
25 Transition Zone, while also increasing flow downstream to Centro across the Helendale
26 Fault. The modeling output shows that average annual flow as measured at Lower Narrows
27 will increase by about 9,000 acre-feet per year (Exhibit 5, Appendix A, Figure 4).”

28 (Wagner Decl., Exhibit C to Motion, 4:1-6)

1 Regarding application of the Upper Mojave Basin Model to estimate flows from the
2 Transition Zone into the Centro Subarea, Mr. Wagner’s supplemental declaration attached
3 hereto also explains that:

4 ‘Importantly, the flow across Helendale Fault, which represents the long term
5 average supply to Centro, will not occur every year. The Mojave River system
6 is episodic, meaning there are long periods of well below average flow
7 followed by occasional periods of well above average flow. The Judgment, is
8 predicated on long term average flow. The Upper Mojave Basin Model is an adequate tool for
9 upstream portion of Alto. The Model is currently being expanded to include the TZ and the
10 Centro and Baja subareas and when complete (Fall 2024) will provide another tool for basin
11 management. Currently, the Upper Basin Model is used to estimate inflow to the TZ.’
12 (Wagner Suppl. Dec., Exhibit A hereto, 4:13-20.)

13 **G. Conclusion**

14 For the foregoing reasons, GSWC’s ‘opposition’ and request that the Court order
15 Watermaster to take certain actions prior to submission next year of its recommendations for
16 water year 2025-2026 are all without merit.

17 **II.**

18 **California Department of Fish and Wildlife opposition also is without merit.**

19 The California Department of Fish and Wildlife opposition requests that the Court
20 deny Watermaster’s proposed increases in FPA in the Alto and Centro subareas. In support
21 of its argument CDFW notes that certain species of riparian vegetation are struggling
22 because their root systems have difficulty reaching groundwater.¹

23 **A. The Upper Basin Model**

24
25
26 ¹ In this connection, it is important to note that Exhibit H to the Judgment specifically
27 provides that a Biological Resources Trust Fund is to be established and used ‘only in the event that
28 groundwater levels are not maintained’ as indicated therein, and ‘DFG agrees that absent substantial
changed circumstances, DFG shall not seek to modify the provisions of this Judgment in any way to
add to or change the above-stated measures to protect the referenced species or habitat.’

1 Like GSWC, CDFW also argues that “model used has only been applied to the upper
2 areas of the Basin, and has not been completed for the Transition Zone, Centro and Baja.”
3 This is answered in Point “I,” subdivision “F” above, which is incorporated herein by this
4 reference.

5 **B. That increases have not yet been seen.**

6 CDFW argues further that “Watermaster engineer provides no evidence, since it is
7 almost certainly not the case, that this water [9,800 acre-feet of increased flow] will be seen
8 at the Lower Narrows in WY 2024-2025.” While CDFW’s assertion is true for Water Year
9 2024-2025, it is fundamentally wrong. This is explained in Mr. Wagner’s supplemental
10 declaration, as follows:

11 CDFW argues that “Watermaster engineer provides no evidence, since it is almost
12 certainly not the case”, that 9,800 acre-feet (Watermaster update is 9,022 acre-feet
13 per year per Wagner Dec., Exhibit C to Motion) of increased flow through Lower
14 Narrows will be seen in the Water Year 2024-25. While CDFW’s assertion is true
15 for Water Year 2024-2025, it nonetheless is fundamentally wrong. Based on how
16 money is raised from producers to purchase replacement water that will result in
17 the projected recharge in the Alto Subarea, it will be impossible for that to occur
18 in the next water year. This is so, because assessments for pumping are levied
19 after the end of the water year (September 30) and collected in July of the
20 following water year. Watermaster then pays MWA to import water, which does
21 so as water is available for importation, usually the following year.

22 Further, it is unknown whether or not there will be water to import due to the
23 uncertainties of supply availability from the State Water Project (SWP).
24 Consequently, the Judgment provides that supplemental water is to be purchased,
25 as soon as practicable. The Judgment itself prevents CDFW’s assertion from
26 being meaningful.

27 The projected future increased flow through the Lower Narrows is based on an
28 assumption that the hydrologic conditions of the past (2001-2020 in this case) will
be repeated in the future, and that the current patterns of water use and disposal
will continue during this period. These assumptions are consistent with the
definition of PSY in the Judgment. Further, the calculation of PSY and
corresponding FPA are conditions precedent to the purchase of replacement
water, not the result of the projected purchases. If the assumptions are correct,
and if water is available for importation, then on average, based on the PSY and
corresponding FPA, the average flow through Lower Narrows, predicted by the
Upper Mojave Basin Model, will increase by about 9,022 acre-feet per year.
(Wagner Suppl. Dec., Exhibit A hereto, 4:22-5:14.)

Accordingly, the projected future increased flow through the narrows is based on an
assumption that the hydrologic conditions of the past (in this case, 2001-2020) will be

1 repeated in the future, and that the current patterns of water use and disposal will continue
2 during this period. These assumptions are consistent with the definition of PSY in the
3 Judgment. Further, the calculation of PSY and corresponding FPA are conditions precedent
4 to the purchase of replacement water not the result of the projected purchases. If the
5 assumptions are correct, and if water is available for importation, then on average, based on
6 the PSY and corresponding FPA, the *average* flow through Lower Narrows, predicted by the
7 Upper Mojave Basin Model, will increase by about 9,022 acre feet per year.

8 Additionally, as explained in Point I, subdivision “C” above, the Centro and Baja
9 subareas are not guaranteed a specific quantity of surface and subsurface flow every water
10 year; instead, the calculations applicable to Centro and Baja are based on “average” flows
11 over a period of years, with variations from year to year as a result of drought conditions and
12 other factors.

13 **C. Decreasing water flow to Baja.**

14 CDFW also complains that surface water flow at Barstow has decreased to 8,900
15 acre-feet annually, and “Therefore, somewhere below the Lower Mojave Narrows gauge in
16 the Transition Zone, or in Centro water is being lost or produced, preventing it from reaching
17 Baja . . . **However, the Watermaster and Watermaster Engineer are unable to explain
18 this loss.**” (Emphasis added.) That is not so, as is explained further in Mr. Wagner’s
19 supplemental declaration, to wit:

20 CDFW suggests that there is a loss of flow to Baja and that Watermaster and
21 Watermaster engineer are unable to explain this loss. CDFW doesn’t clarify how
22 it determines the loss is 8,900 acre-feet, or the conditions during which this “loss”
23 occurred. Apparently, CDFW is comparing an estimated long-term average
(1931-1990) supply at or near the Baja/Centro boundary to the shorter-term
measurements at the Barstow gage (2001-2020).

24 Further, as previously discussed (Wagner Dec., Exhibit C to Motion, 5:3-8) the
25 inflow to Centro estimated at the Helendale Fault has been consistent since the
26 1930’s. This suggests that reductions in the inflow to Baja (if any over the long
27 term) result from losses between Helendale Fault and below the Barstow gage.
28 Noteworthy, CDFW doesn’t oppose the recommendation for FPA is Baja. The
recommendation is based on an interpretation of the trends in Baja Subarea
water levels suggesting there is or will soon be stabilization.

(Wagner Suppl. Dec., Exhibit A hereto, 5:15-26.)

1 Therefore, CDFW’s supposition is incorrect. As noted in Point I, subdivision “B”, as
2 a result of concentrated pumping in the area, “small, segmented aquifers along the river are
3 depleted faster than they can be recharged through long dry periods (2012-2022 for
4 example)” (Wagner Dec., Exhibit C to Motion, 4:11-24). CDFW merely speculates that
5 unmeasured losses in the Transition Zone could account for this loss, and “The inability to
6 directly measure these inflows and outflows of surface water creates a large uncertainty in
7 the estimate of the total inflow to Centro . . .” That speculation does not warrant denying
8 Watermaster’s recommendations for adjusting FPA in Alto and Centro for water year 2024-
9 2025.

10 **D. Decreased estimate of consumptive use by phreatophytes.**

11 CDFW expresses concern about Watermaster’s estimates of reduced consumptive use
12 by phreatophytes (native vegetation) in Baja from 2,000 acre-feet per year to 984 acre-feet
13 per year. This estimate is based upon remote sensing analysis performed over a period of five
14 years, including at Camp Cady. In his original supporting declaration, Mr. Wagner noted,
15 “CDFW objected to the characterization that water use by riparian habitat has decreased as
16 indicated by Exhibit 5, Appendix E. Watermaster recognizes the importance of protecting
17 the sensitive habitats in Baja and will work with CDFW to update estimates of riparian water
18 use and identifying cause of the decline.” (Wagner Dec., Exhibit C to Motion, 5:22-25). In
19 his supplemental declaration, Mr. Wagner explain further that:

20 “The estimate we made for this use (984 acre-feet) is intended to help
21 understand the actual demand from the riparian plant community. CDFW
22 should identify, clearly, the limits and location of riparian plant use so that a
23 complete evaluation can be made. In any event, as stated in my prior
24 declaration, the recommendation for PSY and for FPA isn’t predicated on our
25 current estimate of riparian habitat water use. The riparian vegetation use is a
26 critical element and needs further evaluation.”

27 (Wagner Suppl. Dec., Exhibit A hereto, 5:27-6:4)

28 However, CDFW’s concern about the reduced estimate of consumptive use by native
WATERMASTER’S REPLY BRIEF IN SUPPORT OF MOTION TO ADJUST FREE PRODUCTION ALLOWANCE
FOR WATER YEAR 2024-2025

1 vegetation -- which is well documented -- does not warrant denial of Watermaster's
2 recommendations for adjustments to Free Production allowances in Alto and Centro for
3 water year 2024-2025.

4 **III.**

5 **Conclusion**

6 For the reasons stated above, Watermaster respectfully submits the Court should deny
7 GSWC's request that the Court order that Watermaster take certain actions prior to
8 submitting next year its recommendations for Free Production Allowances for water year
9 2025-2026. The Court should also deny CDFW request that the Court deny the
10 Watermaster's motion for adjustments to Free Production Allowance in the Alto and Centro
11 subareas for water year 2024-2025.

12 Dated: May 28, 2024

BRUNICK, McELHANEY & KENNEDY PLC

13
14 By: _____

15 William J. Brunick
16 Leland P. McElhaney
17 Attorneys for Defendant/Cross-complainant,
18 MOJAVE WATER AGENCY
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EXHIBIT A

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9 MOJAVE WATER AGENCY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF RIVERSIDE**

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

JCCP NO.: 5265
Lead Case No.: CIV 208568

14 MOJAVE BASIN WATER CASES

Dept. 1, Riverside Superior Court
Hon. Harold W. Hopp, Judge Presiding

15 CITY OF BARSTOW, et al.,

16 Plaintiff,

17 vs.

18 CITY OF ADELANTO, et al.,

19 Defendant,

**SUPPLEMENTAL DECLARATION OF
ROBERT C. WAGNER, P.E. IN SUPPORT
OF WATERMASTER'S REPLY BRIEF IN
SUPPORT OF MOTION TO ADJUST
FREE PRODUCTION ALLOWANCE FOR
2024-2025**

Assigned for All Purposes to:
Hon. Harold W. Hopp, Judge Presiding

DATE: June 4, 2024

TIME: 8:30 AM

DEPT: 1

Reservation ID: 459779359960

22 AND RELATED CROSS ACTIONS

25 I, Robert C. Wagner, declare as follows:

26 I am a licensed Civil Engineer in the State of California and President of the firm of Wagner and
27 Bonsignore, Consulting Civil Engineers in Sacramento, California. A copy of my professional resume
28

1 is attached as Exhibit 1 and list of sources used in support of this declaration is attached as Exhibit 2. I
2 serve in the capacity of Engineer for the Mojave Basin Area Watermaster in performance of its duties
3 specified on Exhibit 3. I am providing the following information in support of Watermaster's
4 recommendations regarding Free Production Allowance (FPA) and in response to Objections filed by
5 the Golden State Water Company (GSWC) and the California Department of Fish and Wildlife (CDFW).

6 With respect to GSWC's filing, I submit the following comments and analysis.

7 GSWC's opposition is based upon reported USGS streamflow data for a now defunct stream
8 gaging station, 10261900, Mojave River at Wild Crossing, near Helendale. USGS reported stream flow
9 estimates of the Mojave River at this location from March 1966 to October 1970. This location is about
10 20 miles downstream from the USGS stream gage at Lower Narrows near Victorville.

11 The record at Wild Crossing, near Helendale covers a short period, approximately 54 months, of
12 which the record for 1968 is missing or incomplete. There are also missing records in 1967 and 1970.
13 I have attached hereto the printed record published by USGS for the Wild Crossing, near Helendale
14 Station. The published report is called "United States Department of The Interior Geological Survey
15 Water Resources Division. Water Resources Data for California" Volume 1 and shows the record of the
16 Wild Crossing, near Helendale gage. This report is attached as Exhibit 4. Notably, the data is rated poor
17 for 1968, 1969, 1970, and fair for 1967 (for 1967, record is rated poor for discharge above 1,000 cfs).
18 For 1970, the report notes, "no gage height record during year."

19 Approximately 83.6% of the total report flow represented by the above record occurred in 1969
20 and about 15% occurred in 1967. In 1968 and 1970 about 1.4% of the flow occurred. For 1969 the
21 record notes, that "No gage-height record or stage-discharge relation indefinite for Jan. 26-29, Feb. 2-5,
22 8-15, Feb. 26 to Mar. 17, Mar. 27 to Apr. 3, Apr. 25-30, May 10-15." This represents 56 days out of
23 130 days of reported flow. The discharge for these 56 days was about 124,000 acre-feet or 54% of the
24 total for the water year. In order to estimate a stream discharge, a gage height and stage discharge
25 relation must be established. As reported for 1969, no data or stage discharge relation was established
26 for at least 54% of the reported flow, and the entire record was rated as poor.

1 USGS Water-Resources Investigations Report 95-4189 (USGS, Lines 1996), page 6, notes that
2 the gaging stations at Wild Crossing, near Helendale and at Hodge (about 10 river miles downstream)
3 were discontinued:

4 “Gaging station 10261900, Mojave River at Wild Crossing, near Helendale, was operated during
5 water years 1967-70. About 7 mi farther downstream, gaging station 10262000, Mojave River
6 near Hodge, was operated during water years 1931-32 and 1971- 93. Both stations were
7 discontinued because of unstable controls and changing stage-discharge relations that did not
8 allow for acceptable discharge records.”

9 The were very few, if any, direct measurements taken at Wild Crossing, near Helendale. Such
10 measurements are essential to define the stage discharge relationship. We requested field notes and direct
11 measurements for Wild Crossing, near Helendale from USGS and received the following response from
12 Johnathan Newby at USGS on April 18, 2024.

13 “Unfortunately there are no inspections/measurements in our system for 10261900. I also
14 checked out paper backfile and did not find anything there as well.”

15 By contrast to the foregoing, the USGS gage Mojave River at Lower Narrows, near Victorville
16 is measured directly by USGS staff once per week, and has been measured at this frequency since about
17 1996. Further the Wild Crossing, near Helendale gage record of 54 incomplete months is too short to
18 be used to establish relationships between the Lower Narrows gage and Transition Zone. The record at
19 Lower Narrows covers the years, 1900-1906, and 1931 to present (approximately 1,200 months)

20 The stream gage record at Wild Crossing, near Helendale is short, unreliable, incomplete and
21 was discontinued because unstable conditions did not allow for acceptable discharge records. The re-
22 establishment of the Wild Crossing, near Helendale gage would be subject to the same conditions that
23 resulted in its abandonment, as noted by USGS, Lines, 1996. Similarly, installing a stream gage at or
24 near the Helendale Fault as suggested by GSWC would encounter the same conditions, resulting in an
25 unreliable record.

26 The elements of the water balance for the Transition Zone (TZ) are described in the
27 Watermaster’s Annual Report beginning on page 25. Water level data indicating a long term stable
28 groundwater system in the Transition Zone is shown on Figures 3-7 through 3-9 of the annual report.

1 Wells near the Helendale Fault area show water levels are at approximately at the same elevation as they
2 were 95 years ago.

3 In response to GSWC's suggestion that Watermaster prepare a water budget for the TZ as
4 recommended by Aquilogic, there are two significant elements of the water balance to the TZ, both of
5 which are measured or based directly on measurement. The waste stream from the Victor Valley
6 Wastewater Treatment Plant is discharged within the TZ and is measured and discharged within the TZ.
7 The flow at Lower Narrows is measured directly by USGS weekly to estimate the mean daily discharge.
8 Both of these records are considered reliable and adequate for estimating the water balance in the TZ
9 and calculating outflow across the Helendale Fault. The water budget elements recommended by
10 Aquilogic are already included in the water budget analysis for the TZ. The use of the USGS Basin
11 Characterization Model (BCM) and the Parameter-elevation Regressions on Independent Slopes Model
12 (PRISM) are included in the Upper Mojave Basin Model.

13 Importantly, the flow across Helendale Fault, which represents the long term average supply to
14 Centro, will not occur every year. The Mojave River system is episodic, meaning there are long periods
15 of well below average flow followed by occasional periods of well above average flow. The Judgment,
16 is predicated on long term average flow.

17 The Upper Mojave Basin Model is an adequate tool for estimating flow into the TZ from the
18 upstream portion of Alto. The Model is currently being expanded to include the TZ and the Centro and
19 Baja subareas and when complete (Fall 2024) will provide another tool for basin management.
20 Currently, the Upper Basin Model is used to estimate inflow to the TZ.

21 With regard to CDFW's filing I provide the following comments and analysis.

22 CDFW argues that "Watermaster engineer provides no evidence, since it is almost certainly not
23 the case", that 9,800 acre-feet (Watermaster update is 9,022 acre-feet per year per Wagner Dec., Exhibit
24 C to Motion) of increased flow through Lower Narrows will be seen in the Water Year 2024-25. While
25 CDFW's assertion is true for Water Year 2024-2025, it nonetheless is fundamentally wrong. Based on
26 how money is raised from producers to purchase replacement water that will result in the projected
27 recharge in the Alto Subarea, it will be impossible for that to occur in the next water year. This is so,
28 because assessments for pumping are levied after the end of the water year (September 30) and collected

1 in July of the following water year. Watermaster then pays MWA to import water, which does so as
2 water is available for importation, usually the following year.

3 Further, it is unknown whether or not there will be water to import due to the uncertainties of
4 supply availability from the State Water Project (SWP). Consequently, the Judgment provides that
5 supplemental water is to be purchased, as soon as practicable. The Judgment itself prevents CDFW's
6 assertion from being meaningful.

7 The projected future increased flow through the Lower Narrows is based on an assumption that
8 the hydrologic conditions of the past (2001-2020 in this case) will be repeated in the future, and that the
9 current patterns of water use and disposal will continue during this period. These assumptions are
10 consistent with the definition of PSY in the Judgment. Further, the calculation of PSY and corresponding
11 FPA are conditions precedent to the purchase of replacement water, not the result of the projected
12 purchases. If the assumptions are correct, and if water is available for importation, then on average,
13 based on the PSY and corresponding FPA, the average flow through Lower Narrows, predicted by the
14 Upper Mojave Basin Model, will increase by about 9,022 acre-feet per year.

15 CDFW suggests that there is a loss of flow to Baja and that Watermaster and Watermaster
16 engineer are unable to explain this loss. CDFW doesn't clarify how it determines the loss is 8,900 acre-
17 feet, or the conditions during which this "loss" occurred. Apparently, CDFW is comparing an estimated
18 long-term average (1931-1990) supply at or near the Baja/Centro boundary to the shorter-term
19 measurements at the Barstow gage (2001-2020).

20 Further, as previously discussed (Wagner Dec., Exhibit C to Motion, 5:3-8) the inflow to Centro
21 estimated at the Helendale Fault has been consistent since the 1930's. This suggests that reductions in
22 the inflow to Baja (if any over the long term) result from losses between Helendale Fault and below the
23 Barstow gage.

24 Noteworthy, CDFW doesn't oppose the recommendation for FPA is Baja. The recommendation
25 is based on an interpretation of the trends in Baja Subarea water levels suggesting there is or will soon
26 be stabilization. CDFW objects to the characterization that phreatophyte water use (water demand of
27 riparian habitat) has declined. The estimate we made for this use (984 acre-feet) is intended to help
28 understand the actual demand from the riparian plant community. CDFW should identify, clearly, the

1 limits and location of riparian plant use so that a complete evaluation can be made. In any event, as
2 stated in my prior declaration, the recommendation for PSY and for FPA isn't predicated on our current
3 estimate of riparian habitat water use. The riparian vegetation use is a critical element and needs further
4 evaluation.

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

7 Dated: May 28, 2024

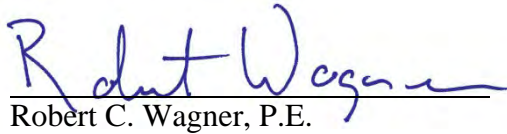
8 
9 Robert C. Wagner, P.E.

EXHIBIT 1

Wagner Bonsignore

Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.
Robert C. Wagner, P.E.
Paula J. Whealen

Martin Berber, P.E.
Patrick W. Ervin, P.E.
David P. Lounsbury, P.E.
Vincent Maples, P.E.
Leah Orloff, Ph.D., P.E.
David H. Peterson, C.E.G., C.H.G.
Ryan E. Stolfus

ROBERT C. WAGNER PROFESSIONAL RESUME

REGISTRATION:

Civil Engineer, California (License No. 52903)

EDUCATION:

B.S. Civil Engineering – California State University, Sacramento – 1988

EXPERIENCE:

Mr. Wagner is the president of Wagner & Bonsignore Engineers and is a Registered Civil Engineer in California, with 25 years experience in water resources management, water right analysis, surface and groundwater hydrology and land use evaluations for municipal and agricultural projects. Mr. Wagner has been the court appointed engineer for the Mojave Watermaster for over 20 years and has provided expert witness testimony on various matters related to water resources and water rights in court and before the State Water Resources Control Board. Mr. Wagner has demonstrated expertise in areas of consumptive use analysis, watershed hydrology, facility design for storm water capture and analysis of return flow to support water transfers, administration of court ordered judgments and water supply sustainability.

Mr. Wagner serves a wide variety of private and public clients throughout California, managing projects from concept to implementation. Mr. Wagner's work includes pre-1914 appropriative water right investigation, analysis of riparian and overlying water rights and appropriative rights administered by the State Water Resources Control Board.

Mr. Wagner has demonstrated communication skills to work with a wide range of legal and technical professional and stakeholder groups. He has strong organizational and analytical skills and a recognized ability to provide cost effective solutions to difficult water resource problems.

RECENT EXPERIENCE INCLUDES THE FOLLOWING:

- District Engineer for Reclamation District No. 38, Staten Island, San Joaquin County
- District Engineer for Reclamation District No. 341, Sherman Island, Sacramento County
- District Engineer for Reclamation District No. 348, New Hope Tract, San Joaquin County
- District Engineer for Reclamation District No. 800, Cosumnes River, Sacramento County
- Provide engineering consulting services on behalf of Antelope Valley East Kern Water Agency in connection with quantification of return flow from water used for irrigation and other uses.
- Provide engineering consulting services on behalf of Los Angeles World Airports in connection with quantifying water use from various sources for irrigation.
- Provide engineering consulting services on behalf of San Joaquin County in connection with water right applications and water resources management within San Joaquin County.
- Provide engineering services for Chino Basin Water Conservation District, San Bernardino County in connection with storm water recharge in Chino Basin.
- Watermaster Engineer for Orange County Water District; perform analysis of hydrologic and water quality data for the Santa Ana River Watershed for Water Year 2009-10; distinguish storm flow and base flow at Prado Dam and at Riverside Narrows, preparation of portions of the Watermaster's annual report to the Court.
- Provide engineering services for Lake Alpine Water Company / Alpine County in connection with the State Water Resources Control Board water right hearing and hydrology of South Fork Stanislaus River for State Filed Application 5648.
- Provide Engineering services for Natomas Mutual Water Company, in connection with the water rights. Evaluation of water rights for 51,000 acres of agricultural operation, water right analysis and water transfers.
- Provide engineering services on behalf of City of Sacramento in connection with the Water Resources of the American River.

- Provide engineering services on behalf of City of Ukiah in connection with water rights and hydrology of the Russian River, Mendocino County.
- Provide engineering services on behalf of Sonoma County Water Agency in connection with development of agricultural reuse project for use of treated wastewater for vineyard irrigation.
- Provide engineering services in connection with analysis of water production and hydrologic data for development of water use agreements for over 100 growers in the Dry Creek Valley in Sonoma County.
- Provide engineering services for City of Santa Maria in connection with the hydrologic resources of the Santa Maria Groundwater Basin.
- Engineering expert in the matter of Bonadiman v. Evans in San Bernardino Superior Court on behalf of prevailing party Evans. Research and documentation of water development and water right acquisition dating to 1883.
- Provide engineering services for The Wildlands Conservancy in connection with water resource matters for extensive land holdings in San Bernardino and Kern Counties.
- Provide engineering services for Wells Fargo Bank in connection with the analysis of water rights and water availability on the Kern River.
- Watermaster Engineer for the Mojave Basin Area Watermaster in the matter of the Mojave River Adjudication, City of Barstow, et al, vs. City of Adelanto, et al. Collection and analysis of data for preparation of Annual Watermaster Report, including groundwater production and hydrology studies of the Mojave River System and groundwater basin in connection with storm flow base flow separation determination and the analysis of water transfers and land use changes. Preparation of Annual Watermaster report.
- Provide engineering services on behalf of the Mojave Water Agency in connection with Mojave Basin Area Adjudication. Coordinate activities for professional and sub-professional staff for collection, analysis and verification of water production records for approximately 7,000 wells in the Mojave River Basin. Participate in meetings of the Joint Engineer-Attorney Drafting Committee formed to negotiate and draft the Stipulated Judgment. Participation in the drafting and ongoing revisions of the Watermaster Rules and Regulations.
- Provide engineering services in connection with for the Warren Valley Basin Watermaster, San Bernardino County. Analysis of groundwater production records and basin hydrology for preparation of Annual Watermaster Report.

- Provide engineering services in connection with work for East Valley Water District, San Bernardino County, regarding the analysis of surface and subsurface hydrology of the Santa Ana River and the availability of water for the Seven Oaks Dam Project and fully appropriated listing of the Santa Ana River.
- Provide engineering services on behalf of Kirkwood Associates before the State Water Resources Control Board in the matter of South Fork American River Hearings, October 1995. Analysis of the South Fork American River and Caples Creek hydrology in connection with same.
- Provide engineering services in connection with work for High Desert Water District, San Bernardino County, regarding the analysis of water quality and ground water elevation data for monitoring the potential impacts of ground water extractions from the Ames Valley Basin.
- Provide engineering services in connection with work for Hidden Valley Lake Community Services District, Lake County, regarding the hydrologic analysis of Upper Putah Creek Watershed and the Coyote Valley groundwater basin in support of amendments to fully appropriated stream status and applications to appropriate surface and subsurface water from Putah Creek; continued monitoring of the Coyote Valley groundwater basin in connection with administration of water rights.

CONTINUING EDUCATION:

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EXHIBIT 2

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EXHIBIT 3

Duties of the Watermaster and Engineer as outlined in the Judgment

MWA was appointed as the initial Watermaster and has duties separate from the Court Appointed Watermaster. MWA Obligations under the Judgment are specified in paragraph 9.0 as follows:

“The Physical Solution is intended to provide delivery and equitable distribution to the respective Subareas by MWA of the best quality of Supplemental Water reasonably available. MWA shall develop conveyance or other facilities to deliver this Supplemental Water to the areas depicted in Exhibit “I” unless prevented by forces outside its reasonable control such as the inability to secure financing consistent with the sound municipal financing practices and standards. “

MWA’s obligations under the Judgment relate to purchasing, importing and recharging the groundwater basin with supplemental water. MWA has engaged in various activities since implementation of the Judgment to meet this obligation including acquisition of additional State Water Project Entitlement and development of conveyance, recharge and extraction facilities, and the financing of those facilities.

Watermaster’s powers and duties are specified in Paragraph 24 (a) through (x) and include all of the data collection and analyses and functions reported to Court in the Watermaster Annual Reports. The engineer is responsible to Watermaster and the Court to ensure that requirements as set forth in 24 (a) through (x) are carried out as intended and consistent with the Physical Solution embodied in the Judgment. The activities described in this declaration are a result of Watermaster exercising its obligations under the Judgment. The Watermaster staff and the engineer’s duties on behalf of Watermaster include some or all of the following annually:

- Interpret and enforce the Rules and Regulations
- Calculate Subarea Make Up Obligations, and Producer Replacement Water Obligations
- Evaluate various methods of monitoring and measuring and work with producers to ensure production data is reliable
- Collect and evaluate Hydrologic, and Climate data, and monitor and evaluate phreatophyte consumptive use
- Prepare detailed producer consumptive use analyses for estimating supply to the basin from return flows of production
- Evaluate crop water requirements and various categories of water use
- Evaluate and process transfers for producers
- Maintain a database of individual producers water use, property location, wells, water production, etc.
- Calculate individual assessments as required by the Judgment
- Hold public hearings as required
- Calculate Free Production Allowance and make recommendations for adjustments
- Prepare annual report the Court on the above and all matters as delineated in Paragraph 24 (a) through (x) of Judgment.

EXHIBIT 4

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
Water Resources Division

WATER RESOURCES DATA
FOR
CALIFORNIA
1967

Part 1: Surface Water Records
Volume 1: Colorado River Basin, Southern
Great Basin, and Pacific Slope
Basins excluding Central Valley

Prepared in cooperation with the
California Department of Water Resources
and with other agencies

Menlo Park, California
1968

MOJAVE RIVER BASIN

10-2819. MOJAVE RIVER AT WILD CROSSING, NEAR HELENDALE, CALIF.

LOCATION.--Lat 34°46'58", long 117°16'35", in NE½NE½SE½ sec.15, T.8 N., R.4 W., on downstream wingwall of bridge on Indian Trail road at Wild Crossing, 4.7 miles northeast of Helendale.

DRAINAGE AREA.--960 sq mi.

RECORDS AVAILABLE.--March 1966 to September 1967.

GAGE.--Graphic water-stage recorder. Altitude of gage is 2,360 ft (from topographic map).

EXTREMES.--Maximum discharge during year, 13,000 cfs (estimated) Dec. 7 (gage height, 5.80 ft); no flow for most of year.

1966-67: Maximum discharge, that of Dec. 7, 1966; no flow for most of each year.

REMARKS.--Records fair except those above 1,000 cfs, which are poor. Slight regulation by Lake Arrowhead (capacity, 48,000 acre-ft, used principally for recreation). Diversions and pumping for irrigation of about 10,000 acres above station.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1966 TO SEPTEMBER 1967

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1			0	0	1.5	0	0	256		0		
2			0	0	1.5	0	0	240		0		
3			0	0	1.5	0	38	232		0		
4			0	0	1.6	0	20	283		0		
5			0	0	1.8	0	348	330		0		
6			2,270	0	1.7	0	340	258		0		
7			3,890	0	1.4	0	132	197		0		
8			340	0	1.0	0	191	232		0		
9			92	0	.80	0	150	232		0		
10			21	0	.70	0	106	328		0		
11			14	0	.50	0	114	185		0		
12			12	0	.30	0	355	124		0		
13			6.9	0	.20	148	232	89		3.9		
14			0	0	.20	921	258	46		0		
15			0	0	.10	470	209	46		0		
16			0	0	.10	300	155	22		0		
17			0	0	.10	258	138	19		0		
18			0	0	0	151	128	21		0		
19			0	0	0	132	213	5.8		0		
20			0	0	0	82	240	3.6		0		
21			0	0	0	58	258	2.3		0		
22			0	0	0	75	647	1.5		0		
23			0	0	0	24	588	.80		0		
24			0	0	0	14	604	.10		0		
25			0	32	0	6.6	470	0		0		
26			0	47	0	2.8	470	.60		0		
27			0	20	0	1.0	512	.20		0		
28			0	7.2	0	0	470	0		0		
29			0	2.3	0	0	380	0		0		
30			0	1.7	0	0	300	0		0		
31			0	1.7	0	0	0	0		0		
Total	0	0	6,459	1119	15.00	2,663.4	3,056	3,164.90	0	3.9	0	0
Mean	0	0	214	361	0.536	85.9	259	102	0	0.126	0	0
Max	0	0	3,890	47	1.8	921	647	330	0	3.9	0	0
Min	0	0	0	0	0	0	0	0	0	0	0	0
Ac-ft	0	0	13,180	222	30	3,280	10,000	6,280	0	7.7	0	0
Cal yr 1966: Total	-	-	-	-	-	-	-	-	-	-	-	-
Wtr yr 1967: Total	20,671.00											
Mean	56.6											
Max	3,890											
Min	0											
Ac-ft	41,000											

Peak discharge (base, 100 cfs)

Date	Time	Gage height	Discharge	Date	Time	Gage height	Discharge
12-7	0200	5.80	13,000	4-5	1100	3.10	1,450
1-25	1600	1.90	110	4-22	1400	3.90	4,500
3-14	1600	2.90	1,800				

UNITED STATES
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WATER RESOURCES DATA
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California Department of Water Resources
and with other agencies

Menlo Park, California
1969

MOJAVE RIVER BASIN

10-2619. MOJAVE RIVER AT WILD CROSSING, NEAR HELENDALE, CALIF.

LOCATION.--Lat 34°46'58", long 117°16'35", in NE¼NE¼SE¼ sec.15, T.8 N., R.4 W., on downstream wingwall of bridge on Indian Trail road at Wild Crossing, 4.7 miles northeast of Helendale.

DRAINAGE AREA.--960 sq mi.

RECORDS AVAILABLE.--March 1966 to September 1968.

GAGE.--Graphic water-stage recorder. Altitude of gage is 2,360 ft (from topographic map).

EXTREMES.--Maximum discharge during year, 137 cfs Aug. 7 (gage height, 2.60 ft); no flow for most of year. 1966-68: Maximum discharge, 13,000 cfs (estimated) Dec. 7, 1966; no flow for most of each year.

REMARKS.--Records poor. Slight regulation by Lake Arrowhead (capacity, 48,000 acre-ft, used principally for recreation). Diversions and pumping for irrigation of about 10,000 acres above station.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1967 TO SEPTEMBER 1968

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1		0								0	0	
2		0								0	0	
3		0								0	0	
4		0								0	0	
5		0								0	0	
6		0								0	0	
7		0								0	3.6	
8		0								0	.10	
9		0								0	0	
10		0								0	0	
11		0								0	0	
12		0								0	0	
13		0								0	0	
14		0								0	0	
15		0								0	0	
16		0								0	0	
17		0								0	0	
18		1.5								0	0	
19		.10								0	0	
20		0								0	0	
21		1.0								0	0	
22		.40								0	0	
23		0								0	0	
24		0								0	0	
25		0								0	0	
26		0								0	0	
27		0								0	0	
28		0								0	0	
29		0								.10	0	
30		0								0	0	
31		0								0	0	
TOTAL	0	3.00	0	0	0	0	0	0	0	0.10	3.70	0
MFAN	0	.10	0	0	0	0	0	0	0	.003	.12	0
MAX	0	1.5	0	0	0	0	0	0	0	.10	3.6	0
MIN	0	0	0	0	0	0	0	0	0	0	0	0
AC-FY	0	6.0	0	0	0	0	0	0	0	.2	7.3	0

CAL YR 1967 TOTAL 14,028.10 MFAN 38.4 MAX 921 MIN 0 AC-FT 27,820
 WTR YR 1968 TOTAL 6.80 MFAN .019 MAX 3.6 MIN 0 AC-FT 13

Peak discharge (base, 100 cfs).--Aug. 7 (2000 hrs) 137 cfs (2.60 ft).

1969

**Water Resources Data
for
California**

Part 1. Surface Water Records

**Volume 1: Colorado River Basin, Southern
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excluding Central Valley**



**UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY**

**Prepared in cooperation with the California Department
of Water Resources and with other agencies**

MOJAVE RIVER BASIN

10-2619. MOJAVE RIVER AT WILD CROSSING, NEAR HELENDALE, CALIF.

LOCATION.--Lat 34°46'58", long 117°16'35", in NE¼NE¼SE¼ sec.15, T.8 N., R.4 W., San Bernardino County, on downstream wingwall of bridge on Indian Trail road at Wild Crossing, 4.7 miles northeast of Helendale.

DRAINAGE AREA.--960 sq mi.

PERIOD OF RECORD.--March 1966 to current year.

GAGE.--Water-stage recorder. Altitude of gage is 2,360 ft (from topographic map).

EXTREMES.--Current year: Maximum discharge, 32,200 cfs (estimated) Feb. 25 (gage height, 6.79 ft); no flow for most of year.

Period of record: Maximum discharge, 32,200 cfs (estimated) Feb. 25, 1969 (gage height, 6.79 ft); no flow for most of each year.

REMARKS.--Records poor. Slight regulation by Lake Arrowhead (capacity, 48,000 acre-ft, used principally for recreation). Diversions and pumping for irrigation of about 10,000 acres above station.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1968 TO SEPTEMBER 1969

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	0	0	0	0	142	2,600	700	150	0	0	0	0
2	0	0	0	0	126	2,000	730	161	0	0	0	0
3	0	0	0	0	115	1,600	700	142	0	0	0	0
4	0	0	0	0	105	1,350	684	155	0	0	0	0
5	0	0	0	0	97	1,150	744	179	0	0	0	0
6	0	0	0	0	581	1,000	764	232	0	0	0	0
7	0	0	0	0	461	900	536	310	0	0	0	0
8	0	0	0	0	460	800	526	197	0	0	0	0
9	0	0	0	0	400	720	428	191	0	0	0	0
10	0	0	0	0	350	660	456	170	0	0	0	0
11	0	0	0	0	300	600	470	158	0	0	0	0
12	0	0	0	0	270	560	428	142	0	0	0	0
13	0	0	0	0	250	520	428	130	0	0	0	0
14	0	0	0	0	230	490	380	120	0	0	0	0
15	0	0	0	0	210	460	414	110	8.7	0	0	0
16	0	0	0	0	324	440	340	100	0	0	0	0
17	0	0	0	0	266	420	274	88	44	0	0	0
18	0	0	0	0	300	400	215	45	0	0	0	0
19	0	0	0	0	266	390	232	46	0	0	0	0
20	0	0	0	0	209	498	300	65	0	0	0	0
21	0	0	0	326	161	604	300	60	0	0	0	0
22	0	0	0	767	155	744	300	46	0	0	0	0
23	0	0	0	246	191	652	258	36	0	0	0	0
24	0	0	0	40	2,610	652	240	10	0	0	0	0
25	0	0	0	11,900	17,000	668	220	0	0	0	0	0
26	0	0	0	9,760	12,000	526	200	38	0	0	0	0
27	0	0	0	4,480	6,000	510	180	26	0	0	0	0
28	0	0	0	789	3,500	500	170	5.2	0	0	0	0
29	0	0	0	310	-----	550	160	0	0	0	0	0
30	0	0	0	203	-----	600	150	0	0	0	0	0
31	0	0	0	161	-----	670	-----	0	-----	0	-----	0
TOTAL	0	0	0	28,977	47,179	24,234	11,925	3,112.2	52.7	0	0	0
MFAN	0	0	0	935	1,685	782	398	100	1.76	0	0	0
MAX	0	0	0	11,900	17,000	2,600	764	310	44	0	0	0
MIN	0	0	0	0	97	390	150	0	0	0	0	0
AC-FT	0	0	0	57,480	93,580	48,070	23,650	6,170	105	0	0	0
CAL YR 1968	TOTAL	3.80	MFAN	.010	MAX	3.	MIN	0	AC-FT	7.5		
WTR YR 1969	TOTAL	115,479.90	MEAN	316	MAX	17,000	MIN	0	AC-FT	229,100		

DATE	TIME	G.H.	DISCHARGE	DATE	TIME	G.H.	DISCHARGE
1-21	1630	4.86	a4,200	2-25	1500	8.79	a32,200
1-25	2045	7.10	a31,000	4-6	1100	3.45	1,600
2-6	1700	3.85	a1,900	6-16	2400	1.64	203

NOTE.--No gage-height record or stage-discharge relation indefinite Jan. 26-29, Feb. 2-5, 8-15, Feb. 26 to Mar. 17, Mar. 27 to Apr. 3, Apr. 25-30, May 10-15.

a Estimated.

1970

**Water Resources Data
for
California**

Part 1. Surface Water Records

**Volume 1: Colorado River Basin, Southern
Great Basin, and Pacific Slope Basins
excluding Central Valley**



**UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY**

*Prepared in cooperation with the California Department
of Water Resources and with other agencies*

MOJAVE RIVER BASIN

10261900 MOJAVE RIVER AT WILD CROSSING, NEAR HELENDALE, CALIF

LOCATION.--Lat 34°46'58", long 117°16'35", in NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec.15, T.8 N., R.4 W., San Bernardino County, on downstream wingwall of bridge on Indian Trail Road at Wild Crossing, 4.7 miles northeast of Helendale.

DRAINAGE AREA.--960 sq mi.

PERIOD OF RECORD.--March 1966 to September 1970 (discontinued).

GAGE.--Water-stage recorder. Altitude of gage is 2,360 ft (from topographic map)

EXTREMES.--Current year: Maximum discharge, 75 cfs (estimated) Mar. 3 (gage height, unknown); no flow most of year.

Period of record: Maximum discharge, 32,200 cfs (estimated) Feb. 25, 1969 (gage height, 6.79 ft); no flow most of each year.

REMARKS.--Records poor. Slight regulation by Lake Arrowhead (capacity, 48,000 acre-ft, used principally for recreation). Diversions and pumping for irrigation of about 10,000 acres above station.

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1969 TO SEPTEMBER 1970

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1		0	10	11	10	15	10	4.3				
2		0	10	10	10	30	10	4.1				
3		0	10	7.0	10	28	9.8	4.0				
4		0	10	6.5	10	26	9.5	3.9				
5		0	10	6.5	10	25	9.2	3.8				
6		0	10	6.5	10	24	9.0	3.6				
7		1.0	12	6.5	10	22	8.7	3.5				
8		1.0	11	7.0	10	22	8.5	3.4				
9		1.0	11	8.5	10	21	8.2	3.3				
10		1.0	12	10	10	20	8.0	3.1				
11		1.0	12	10	10	20	7.8	2.9				
12		1.0	12	10	11	19	7.6	2.7				
13		1.0	13	10	11	19	7.4	2.5				
14		1.0	13	10	11	18	7.2	2.3				
15		1.0	13	10	11	18	6.9	2.0				
16		1.0	14	10	11	17	6.7	1.7				
17		1.0	14	10	11	16	6.5	1.4				
18		5.0	14	10	11	16	6.3	1.1				
19		6.0	14	10	11	15	6.1	.80				
20		7.0	14	10	11	15	5.9	.60				
21		8.0	14	10	10	15	5.8	.40				
22		10	14	10	10	14	5.6	.20				
23		10	14	10	10	14	5.4	.10				
24		10	14	10	10	13	5.2	0				
25		10	14	10	10	13	5.1	0				
26		10	13	10	10	13	5.0	0				
27		10	13	10	10	12	4.8	0				
28		10	13	10	10	12	4.7	0				
29		10	13	10	-----	11	4.5	0				
30		10	12	10	-----	11	4.4	0				
31		-----	12	10	-----	11	-----	0	-----			-----
TOTAL	0	127.0	384	289.5	289	546	209.8	55.70	0	0	0	0
MEAN	0	4.73	12.4	9.34	10.3	17.6	6.99	1.80	0	0	0	0
MAX	0	10	14	11	11	30	10	4.3	0	0	0	0
MIN	0	0	10	6.5	10	11	4.4	0	0	0	0	0
AC-FT	0	252	762	574	573	1,080	416	110	0	0	0	0

CAL YR 1969 TOTAL 115,990.90 MEAN 318 MAX 17,000 MIN 0 ACFT 230,100
 CAT YR 1970 TOTAL 1,901.00 MEAN 5.2 MAX 30 MIN 0 ACFT 3,770

PEAK DISCHARGE (BASE, 100 CFS).--No peak above base.

NOTE.--No gage-height record during year.

EXHIBIT 5

the first and second stations are 74.8 and 70.3 mi², respectively, streamflow for all practical purposes is equivalent at the two sites, except perhaps for a few hundred acre-feet of storm runoff from the 4.5-mi² area between the stations.

On the main stem of the Mojave River, 0.8 mi downstream from the confluence of Deep Creek and West Fork, gaging station 10261100, Mojave River below Mojave River Forks Reservoir, near Hesperia, was operated during water years 1972-74. The station was inactive during water years 1975-79, and it was reactivated during water year 1980. Drainage area at the station is 211 mi².

Gaging station 10261500, Mojave River at Lower Narrows, near Victorville (fig. 5), was operated during water years 1900-06 and 1931-36 at the Upper Narrows about 3 mi upstream from its present location where it has been in operation since December 9,

1936. Drainage area at the current location is 513 mi², which includes about 120 mi² of noncontributing internal drainage in Apple Valley.

Gaging station 10261900, Mojave River at Wild Crossing, near Helendale, was operated during water years 1967-70. About 7 mi farther downstream, gaging station 10262000, Mojave River near Hodge, was operated during water years 1931-32 and 1971-93. Both stations were discontinued because of unstable controls and changing stage-discharge relations that did not allow for acceptable discharge records.

The Mojave River at Barstow (fig. 6) has been measured at gaging station 10262500 since water year 1931. Drainage area of the Mojave River at the station is 1,291 mi², which includes about 120 mi² of noncontributing area in Apple Valley.



Figure 5. Gaging station 10261500, Mojave River at Lower Narrows, near Victorville, January 31, 1995. (Gage house in top right hand corner.)

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.

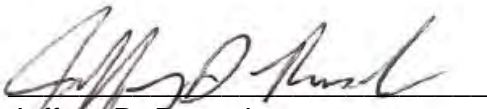
On May 28, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

WATERMASTER'S REPLY BRIEF IN SUPPORT OF 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 28, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

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

Attn: Roberto Munoz
35250 Yermo, LLC
11273 Palms Blvd., Ste. D.
Los Angeles, CA 90066-2122

Attn: John McCallum
Abshire, David V.
PO Box # 2059
Lucerne Valley, CA 92356-2059

Attn: Dwayne Oros
Adelanto, City Of
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Adelanto, CA 92301-1914

(adesdevon@gmail.com)
Ades, John and Devon (via email)

Attn: Pedro Dumaua
(pdumaua@ducommun.com)
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Adelanto, CA 92301-9489

Attn: Lori Clifton (lclifton@robar.com)
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Attn: Chun Soo and Wha Ja Ahn
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Attn: Simon Ahn (ssahn58@gmail.com)
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Attn: Paul Tsai (paul@ezzlife.com)
America United Development, LLC (via
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19625 Shelyn Drive
Rowland Heights, CA 91748-3246

Attn: Ana Chavez
American States Water Company
160 Via Verde, Ste. 100
San Dimas, CA 91773-5121

Anderson, Ross C. and Betty J.
13853 Oakmont Dr.
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Attn: Daniel B. Smith (avfwd@gmail.com)
Apple Valley Foothill County Water District
(via email)
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Attn: Matthew Patterson
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Apple Valley, CA 92308-0938

Attn: Matthew Schulenberg
Apple Valley Unified School District
12555 Navajo Road
Apple Valley, CA 92308-7256

Attn: Emely and Joe Saltmeris
Apple Valley View Mutual Water Company
P. O. Box 3680
Apple Valley, CA 92307-0072

Attn: Tina Kuhns
Apple Valley, Town Of
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(ArchibekFarms@gmail.com;
Sandi.Archibek@gmail.com)
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Attn: Sheré R. Bailey
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Los Angeles, CA 90034-4664

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Barstow, CA 92312-0077

Attn: Curtis Palmer
Baron, Susan and Palmer, Curtis
141 Road 2390
Aztec, NM 87410-9322

Attn: Jennifer Riley (hriley@barstowca.org)
Barstow, City of (via email)
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Barstow, CA 92311

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

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Bell, Charles H. Trust dated March 7, 2014
(via email)
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Brommer House Trust
9435 Strathmore Lane
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Attn: Valeria Brown
Brown Family Trust Dated August 11, 1999
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Helendale, CA 92342-9789

Brown, Jennifer
10001 Choicena Ave.
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Bruneau, Karen
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CalPortland Company - Agriculture (via
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Mojave Basin Area Watermaster Service List as of May 22, 2024

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Attn: Jared Beyeler
CDFW - Mojave Narrows Regional Park
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Attn: Nancy Ryman
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Dolch Living Trust Robert and Judith
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Mojave Basin Area Watermaster Service List as of May 22, 2024

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Attn: Joshua Maze
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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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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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