

1 STEPHANIE OSLER HASTINGS (State Bar No. 186716)
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8 Attorneys for Plaintiff
9 GOLDEN STATE WATER COMPANY

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

12 Coordination Proceeding Special Title
13 (Cal. Rules of Court, rule 3.550)
14 MOJAVE BASIN AREA WATER CASES

JCCP NO.: 5265
Lead Case No. CIV208568
Assigned for All Purposes to the
Honorable Harold W. Hopp, Dept. 1
Honorable Craig G. Reimer, Judge
Presiding by assignment of the Chief
Justice

15 CITY OF BARSTOW, et al.,
16 Plaintiff,
17 v.
18 CITY OF ADELANTO, et al.,
19 Defendant.
20

**DECLARATION OF STEPHANIE
OSLER HASTINGS IN SUPPORT OF
GOLDEN STATE WATER
COMPANY'S REPLY BRIEF TO
OPPOSITIONS TO MOTION TO
ENFORCE JUDGMENT**

[Filed concurrently with Golden State
Water Company's Reply Brief to
Oppositions to Motion to Enforce the
Judgment]

Date: October 2, 2024
Time: 8:30 am
Dept.: 1
Judge: Hon. Craig G. Reimer

Reservation ID: 562595011427

1 I, Stephanie Osler Hastings, declare:

2 1. I am an attorney duly admitted to practice before all the courts of this State and am
3 a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP (“**Brownstein**”), counsel
4 of record for Golden State Water Company (“**GSWC**”) in the above-captioned matter. Except as
5 otherwise stated, I have personal knowledge of the following facts, and, if called upon to testify
6 thereto, I could and would competently do so.

7 2. I am providing this declaration in support of GSWC’s Reply Brief to Oppositions to
8 Motion to Enforce Judgment (the “**Reply**”).

9 3. I am the attorney with primary responsibility for representing GSWC in this action.
10 I am personally familiar with Brownstein’s files and records regarding this action, all of which
11 Brownstein keeps in the ordinary course of Brownstein’s business. I am also personally familiar
12 with the proceedings in this action and the documents, filings, and records filed and submitted with
13 the Court or exchanged among the parties in this action, as well as the correspondence and
14 memoranda exchanged between Brownstein, on behalf of GSWC, and the Mojave Basin Area
15 Watermaster (“**Watermaster**”).

16 4. On September 23, 2024, at approximately 4:15 pm, I was served with Watermaster’s
17 Objection to Anthony Brown Declaration, dated September 20, 2024, via an email from
18 watermaster@MojaveWater.org.

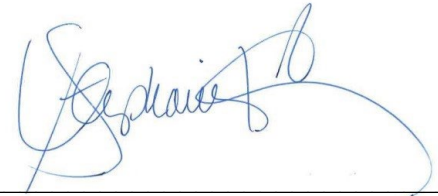
19 5. On September 24, 2024, I downloaded and reviewed a copy of the Watermaster
20 Report for Year 1993-95, dated March 31, 1995 (“**First Annual Report**”), from the Watermaster’s
21 website at: <https://www.mojavewater.org/basin-management/watermaster/reports/>. Pages 11 and
22 12 of the First Annual Report contain the following sentence: “Such discharge records are used in
23 the calculations of compliance by Alto Subarea Producers with their obligation to the Centro
24 Subarea.” (Emphasis added.) A true and correct copy of the cover page and pages 11 and 12 of the
25 First Annual Report is attached as **Exhibit 1** hereto.

26 6. On September 24, 2024, I downloaded and reviewed a copy of the Watermaster
27 Annual Report for Water Year 2020-21, dated May 1, 2022 (“**Twenty-eighth Annual Report**”),
28 from the Watermaster’s website at: <https://www.mojavewater.org/basin->

1 [management/watermaster/reports/](https://www.mojavewater.org/basin-management/watermaster/reports/). Figure 3-10 of the Twenty-eighth Annual Report describes the
2 “Transition Zone Water Balance” and contains a line labeled as “Average Annual Subarea
3 Obligation to Centro (23,000 acre-feet).” (Emphasis added.) A true and correct copy of the cover
4 page and Figure 3-10 of the Twenty-eighth Annual Report is attached as **Exhibit 2** hereto.

5 7. On September 24, 2024, I downloaded and reviewed a copy of the Watermaster
6 Annual Report for Water Year 2021-22, dated May 1, 2023 (“**Twenty-ninth Annual Report**”),
7 from the Watermaster’s website at: [https://www.mojavewater.org/basin-](https://www.mojavewater.org/basin-management/watermaster/reports/)
8 [management/watermaster/reports/](https://www.mojavewater.org/basin-management/watermaster/reports/). Figure 3-10 of the Twenty-ninth Annual Report describes the
9 “Transition Zone Water Balance” and contains a line labeled as “Average Annual Subarea
10 Obligation in acre-feet (23,000 acre-feet).” (Emphasis added.) A true and correct copy of the cover
11 page and Figure 3-10 of the Twenty-ninth Annual Report is attached as **Exhibit 3** hereto.

12
13 I declare, under penalty of perjury, under the laws of the State of California, that the
14 foregoing is true and correct. Executed on September 24, 2024 at Santa Barbara, California.

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16
17 

18 STEPHANIE OSLER HASTINGS

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EXHIBIT 1

WATERMASTER:

Bill A. Christopher, Chairman
Beverly J. Lowry, Vice Chairman
Carl N. Dalton
Thomas H. Irwin
George R. Parker
John H. Russell
Peggy Sartor

Larry W. Rowe, Executive Officer
Linda Lazar, Secretary
George E. Wilson, Treasurer
William J. Brunick, Attorney
James C. Hanson, Engineer

FIRST ANNUAL REPORT

OF THE

MOJAVE BASIN AREA WATERMASTER

1993-1994

CITY OF BARSTOW, ET AL, VS. CITY OF ADELANTO, ET AL,
CASE NO. 208568 -- RIVERSIDE COUNTY

FEBRUARY 28, 1995

Water Production and Verification

In order to document water usage and to determine each Producer's Replacement Water and Makeup Water Obligations, the Judgment provides for the collection, analysis, and verification of water production by producers within each of the five Subareas annually, beginning with Water Year 1993-1994. All stipulating producers were required to file quarterly statements of production. Verification was conducted by the Watermaster's Engineer, James C. Hanson, with the assistance of Subcontractors Donald Howard Consulting Engineers, Inc., Inland Engineering Corporation, Krieger and Stewart, Inc., and So and Associates Engineers. The determination and verification of production was limited to those producers who had stipulated to the terms of the Judgment.

The verified production by stipulating parties for the water year 1993-94 is assembled and summarized in Volume II of this report. Verification methodology for 1993-94 production was essentially the same as was used in the determination and verification of Base Annual Production. No additional metering requirements were imposed by Watermaster during the year.

Streamflow, Precipitation, and Other Data

Various data, including streamflow and precipitation data, are needed to estimate the general water supply for each Subarea and to calculate compliance with some Subarea obligations. Streamflow data required by the Watermaster were for the most part furnished by the U.S. Geological Survey ("USGS"). The MWA, under a Cooperative Agreement with the USGS, currently funds fifty percent of the stream gage operation and maintenance at the Deep Creek, Lower Narrows, Barstow, and Afton Canyon stations. The U.S. Army Corps of Engineers funds the West Fork Mojave River, and Mojave River near Hesperia gages. The USGS considers the records at the Lower Narrows station to be "poor." During the 1993-94 water year the frequency of direct measurements of the discharge of the Mojave River at the Lower Narrows was increased from once to twice monthly in order to improve the record.

Records of the discharge of reclaimed waste water to the Mojave River downstream from the Lower Narrows gage were furnished by the Victor Valley Wastewater Reclamation Authority. Such

discharge records are used in the calculations of compliance by Alto Subarea Producers with their obligation to the Centro Subarea.

Precipitation data utilized by the Watermaster are compiled from records obtained from the Lake Arrowhead, Victorville, and Barstow precipitation stations and reported by the National Oceanographic and Atmospheric Administration ("NOAA").

Related MWA Activities

Other programs pertinent to hydrology of the Mojave River Basin Area and to implementation of the Judgment are being carried out under the MWA/USGS Cooperative Agreement. They include well water level and water quality monitoring; a special study of Ground- and Surface-Water Relations along the Mojave River; and, development of a regional model of the Mojave river system as part of the Regional Aquifer Systems Analysis ("RASA") program, which will model regional groundwater flow. The USGS is also conducting a study of channel geometry of selected ungaged ephemeral streams, for use in calibrating the regional groundwater flow model. As an adjunct to this work, a three year program has been initiated to estimate the percolation rate and age of water beneath ephemeral stream channels in the upper Mojave River Basin. This effort will assist with determination of recharge to the Upper Basin and identify potential sites for additional artificial recharge.

In order to further the objectives and monitoring requirements of the Stipulated Judgment, the MWA has also requested USGS to conduct a geohydrologic investigation of the Helendale Fault, of the quantity of groundwater that flows across the Helendale fault, and of flows from the Mojave River toward Harper Lake. The work will include a seismic refraction survey, monitoring well construction, and geochemical analysis. The USGS has also been asked to develop a program that will provide estimates of subsurface flows across Subarea boundaries and to assist MWA with selection and monitoring of potential recharge site locations in Lucerne Valley and along the proposed Mojave River Pipeline.

EXHIBIT 2

WATERMASTER:
Jeanette Hayhurst, Chairman
Kimberly Cox, Vice Chairman
Ken Anderson
Michael Limbaugh
Mike Page
Rick Roelle
Jim Ventura

Allison Febbo, Executive Officer
Deronda Smith, Secretary
Lynne Chaimowitz, Treasurer
William J. Brunick, Attorney
Robert C. Wagner, Engineer

TWENTY-EIGHTH ANNUAL REPORT

OF THE

MOJAVE BASIN AREA WATERMASTER

WATER YEAR 2020-21

CITY OF BARSTOW, ET AL, VS. CITY OF ADELANTO, ET AL,
CASE NO. 208568 -- RIVERSIDE COUNTY SUPERIOR COURT

MAY 1, 2022

Transition Zone Water Balance

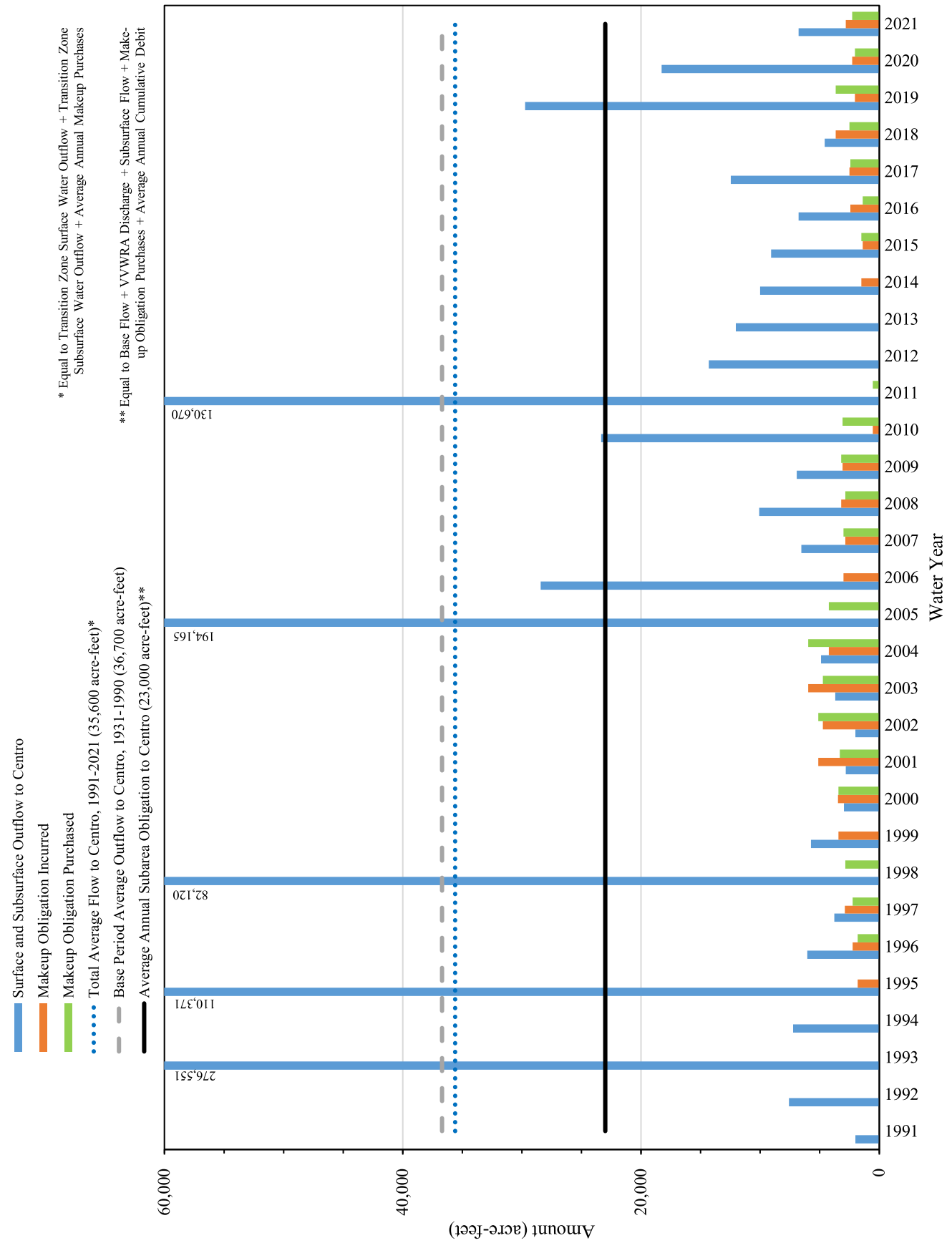


FIGURE 3-10

EXHIBIT 3

WATERMASTER:
Kimberly Cox, Chairman
Rick Roelle, Vice Chairman
Ken Anderson
Jeanette Hayhurst
Michael Limbaugh
Mike Page
Marina West

Allison Febbo, Executive Officer
Deronda Smith, Secretary
Lynne Chaimowitz, Treasurer
William J. Brunick, Attorney
Robert C. Wagner, Engineer

TWENTY-NINTH ANNUAL REPORT

OF THE

MOJAVE BASIN AREA WATERMASTER

WATER YEAR 2021-22

CITY OF BARSTOW, ET AL, VS. CITY OF ADELANTO, ET AL,
CASE NO. 208568 -- RIVERSIDE COUNTY SUPERIOR COURT

MAY 1, 2023

Transition Zone Water Balance

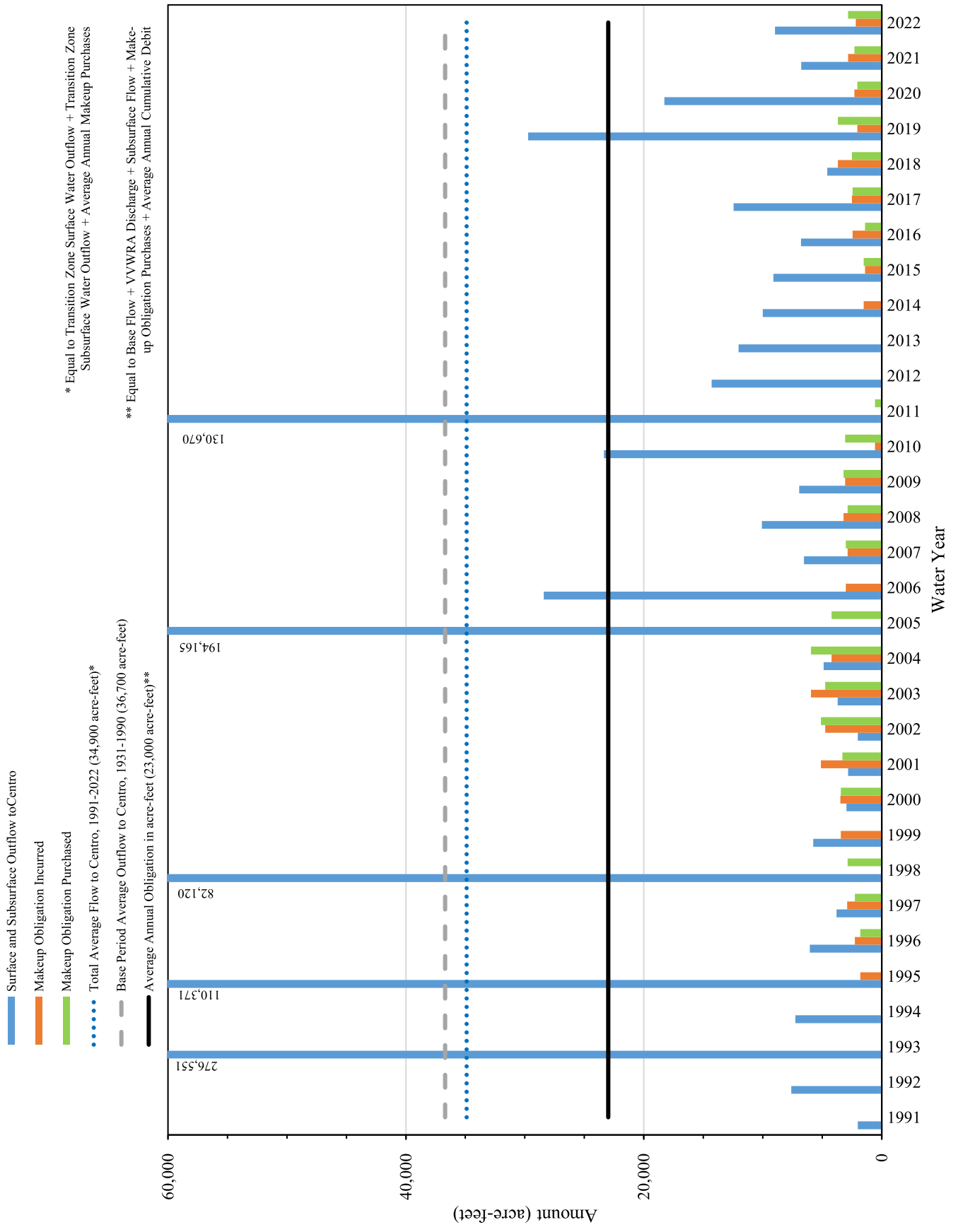


FIGURE 3-10

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 September 24, 2024, I served a copy of the following document(s):

**DECLARATION OF STEPHANIE OSLER HASTINGS
IN SUPPORT OF GOLDEN STATE WATER
COMPANY'S REPLY BRIEF TO OPPOSITIONS TO
MOTION TO ENFORCE JUDGMENT**



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

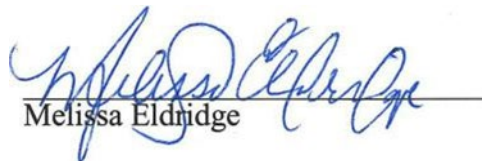
William J. Brunick, Esq.
Leland P. McElhaney, Esq.
Brunick, McElhaney & Kennedy, PLC
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San Bernardino, CA 92423-3130
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lmcelhaney@bmklawplc.com

Attorneys for Defendant/Cross-Complainant
Mojave Water Agency

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Jeffrey D. Ruesch
Watermaster Services Managers
Mojave Basin Area Watermaster
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307
Email: vwiegenstein@MojaveWater.org
jruesch@mojavewater.org

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 September 24, 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 September 25, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

Document(s) filed with the court and served herein are described as follows:

**DECLARATION OF STEPHANIE OSLER HASTINGS IN SUPPORT OF
GOLDEN STATE WATER COMPANY'S REPLY BRIEF TO
OPPOSITIONS TO MOTION TO ENFORCE JUDGEMENT**

 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 September 25, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of September 25, 2024

Attn: Roberto Munoz
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Los Angeles, CA 90066-2122

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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6719 Deep Creek Road
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Chuckb193@outlook.com)
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Best, Byron L.
21461 Camino Trebol
Lake Forest, CA 92630-2011

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Blaine.Bilderback@bnsf.com)
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Attn: Valeria Brown
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Brown, Jennifer
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Attn: Ian Bryant (irim@aol.com)
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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Christison, Joel
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Cross, Sharon I.
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Attn: Jay Hooper (jayho123@gmail.com)
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Attn: Alessia Morris
Crystal Lakes Property Owners Association
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DaCosta, Dean Edward (via email)
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Attn: Shanna Mitchell (daggettcsd@aol.com;
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daggettwater427@gmail.com)
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email)
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Daggett, CA 92327-0308

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Daggett, CA 92327-0112

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Carlsbad, CA 92008-4715

Mojave Basin Area Watermaster Service List as of September 25, 2024

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Attn: Randy Wagner
Dennison, Quentin D. - Clegg, Frizell and Joke
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Apple Valley, CA 92307-5525

Attn: Judith Dolch-Partridge, Trustee
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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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