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11 GOLDEN STATE WATER COMPANY

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

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

16 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

17 CITY OF BARSTOW, et al.,

18 Plaintiff,

19 v.

20 CITY OF ADELANTO, et al.,

21 Defendant.

**DECLARATION OF STEPHANIE
OSLER HASTINGS IN SUPPORT OF
GOLDEN STATE WATER
COMPANY'S 2ND REPLY, NOTICE
OF LODGING OF PRESENTATION,
AND OBJECTIONS TO:**

- 22 **(1) WATERMASTER'S AMENDED
OPPOSITION TO [GSWC'S]
MOTION TO ENFORCE
JUDGMENT; DECLARATION
OF ROBERT WAGNER;**
- 23 **(2) HESPERIA'S SUPPLEMENTAL
OPPOSITION;**
- 24 **(3) HESPERIA'S JOINDER IN
WATERMASTER'S
OBJECTIONS; AND**
- 25 **(4) DECLARATION OF PETER
LEFFLER DATED OCTOBER 9,
2024**

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[Filed concurrently with GSWC's Reply to Amended and Supplemental Oppositions to Motion to Enforce Judgment; Declaration of Stephanie Osler Hastings; Declaration of Anthony Brown; Objections; Notice of Lodging]

Date: October 22, 2024
Time: 1:30 p.m.
Dept.: M302 (Menifee Justice Center)
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 amended declaration in support of:

8 (A) GSWC’s Reply to Amended and Supplemental Oppositions to Motion To
9 Enforce Judgment (“**2nd Reply**”),

10 (B) GSWC’s Notice of Lodging of Presentation; and

11 (C) GSWC’s Objections to (1) Watermaster’s Amended Opposition to
12 [GSWC’s] Motion to Enforce Judgment; Declaration of Robert Wagner; (2)
13 Hesperia’s Supplemental Opposition; (3) Hesperia’s Joinder in
14 Watermaster’s Objections; and (4) Declaration of Peter Leffler dated
15 October 9, 2024 (collectively, the “**GSWC Objections**”).

16 **2nd Oppositions and Associated Pleadings and Evidence**

17 3. At my direction and with my supervision, my staff counted the number of pages,
18 minus proof of service pages and taking into account Watermaster’s October 11, 2024 Errata to
19 Watermaster’s Amended Opposition, of the amended and supplemental pleadings and evidence
20 served by Watermaster, City of Hesperia (“**Hesperia**”), and City of Victorville/Victorville Water
21 District (“**Victorville**”) on October 9, 2024, and determined that the total number of pages is 220.

22 4. At my direction and with my supervision, my staff compared the evidence submitted
23 in support of the Watermaster Amended Opposition dated October 9, 2024, taking into account the
24 Errata dated October 11, 2024, to the evidence submitted in support of Watermaster’s original
25 Opposition dated September 18, 2024, and determined that the total number of **new or revised**
26 documents is 12, totaling approximately 193 additional pages.

27 5. At my direction and with my supervision, my staff used document comparison
28 software to compare Hesperia’s Opposition dated September 18, 2024 and Hesperia’s

1 Supplemental Opposition dated October 9, 2024. A true and correct copy of the resulting redline
2 comparison is attached hereto as **Exhibit 1**.

3 **Water Levels in GSWC Wells and Centro Subarea**

4 6. At my direction and with my supervision, my staff reviewed the evidence submitted
5 by all Parties in support of or in response to the Motion and determined that in that evidence alone
6 Watermaster has affirmatively stated or acknowledged that water levels in GSWC wells specifically
7 and in the Centro Subarea generally have fallen over time on numerous occasions. For example:

- 8 a. “Watermaster agrees the declining groundwater levels in Golden State’s well fields
9 have not been caused solely by Golden State’s groundwater extractions.” (WM 2nd
10 Opp., p. 2:12-13.)
- 11 b. “This exhibit also includes two hydrographs corresponding to observed water levels
12 at monitoring wells 09N02W06L11-14 and 09N03W23F01,03 and 04. These wells
13 are representative of water level responses to pumping and recharge within this area.
14 The hydrographs show the continued decline in water levels during the period of
15 2012-2022 and other dry periods.” (WM 2nd Opp., 10/9/24 Wagner Decl., p. 2:3-6.)
- 16 c. “The TM explains that the flow that enters Centro from the Transition Zone has been
17 declining over the recent years due to the severe drought conditions experienced
18 from 2012 to 2022. This is the reason that GSWC wells are experiencing chronic
19 water level declines during that time. Exhibit 5 shows an estimated water balance
20 for Centro subarea during years 2012 to 2022. . . This [evidence of reduced inflows]
21 demonstrates that the severe drought conditions during the 2012 to 2022 period
22 caused the observed chronic decline on groundwater levels within the area of the
23 Golden State’s well fields.” (WM 2nd Opp., 10/9/24 Wagner Decl., p. 2:10-24.)
- 24 d. “As explained above, the decline in water levels during the recent years is drought
25 related.” (WM 2nd Opp., 10/9/24 Wagner Decl., p. 3:10-11.)
- 26 e. Due to concentrated pumping in this [Barstow] area by Industrial, agricultural, and
27 municipal parties, water levels are depressed [in the Centro Subarea] during long
28 drought periods, and respond positively to storm events. (2024-25 FPA Motion,

1 5/1/24 Wagner Decl., p. 4:21-23.

2 f. See generally PowerPoint presentations included in Exhibit C to WM 2nd
3 Opposition.

4 **Court Record**

5 7. At my direction and with my supervision, my staff reviewed the Court's record in
6 this matter and determined that in 2024, Mr. Robert Wagner, Wagner & Bonsignore, has filed with
7 Court the following declarations in support of one or more Watermaster pleadings:

- 8 a. May 1, 2024: Declaration of Robert C. Wagner, P.E. in Support of Motion
9 to Adjust Free Production Allowance for Water Year 2024-2025;
- 10 b. May 28, 2024: Supplemental Declaration of Robert C. Wagner, P.E. in
11 Support of Watermaster's Reply Brief in Support of Motion to Adjust Free
12 Production Allowance for 2024-2025;
- 13 c. September 18, 2024: Declaration of Robert C. Wagner, P.E. in Support of
14 Watermaster's Opposition to Golden State Water Company's Motion to
15 Enforce Judgment; and
- 16 d. October 9, 2024: Declaration of Robert C. Wagner, attached as Exhibit A to
17 Watermaster's Amended Opposition to Golden State Water Company's
18 Motion to Enforce Judgment.¹

19 8. Attached hereto as **Exhibit 2** is a true and correct copy of the caption and exhibit
20 pages and pages 4 and 5 of the 05/01/24 Declaration of Robert C. Wagner, which is Exhibit C to
21 the Mojave Water Agency's Notice of Motion and Motion to Adjust Free Production Allowance
22 for Water Year 2024-2025; Memorandum of Points and Authorities and Declaration of Robert C.
23 Wagner in Support Thereof. For the Court's convenience, the remaining pages of this document
24 have been excluded but are available in the Court's records.

25 9. Attached hereto as **Exhibit 3** is a true and correct copy of the caption page and pages
26 4 and 5 of Watermaster's Reply Brief in Support of Motion to Adjust Free Production Allowance

27 _____
28 ¹ A corrected copy of Mr. Wagner's declaration was submitted with Watermaster's Notice of
Errata dated October 11, 2024.

1 for Water Year 2024-2025, dated May 28, 2024. For the Court’s convenience, the remaining pages
2 of this document have been excluded but are available in the Court’s records.

3 10. Attached hereto as **Exhibit 4** is a true and correct copy of the caption page and page
4 5 and 6 of Hesperia’s Opposition to Watermaster’s Motion to Adjust the Free Production
5 Allowance dated May 26, 2023, which opposed the Watermaster’s Motion to Adjust Free
6 Production Allowance for Water Year 2024-2025. For the Court’s convenience, the remaining
7 pages of this document have been excluded but are available in the Court’s records.

8 11. Attached hereto as **Exhibit 5** is a true and correct copy of the caption page and page
9 3 of Victorville’s Comments on 2024-25 FPA Motion. For the Court’s convenience, the remaining
10 pages of this document have been excluded but are available in the Court’s records.

11 12. Attached hereto as **Exhibit 6** is a true and correct copy of the Court’s October 7,
12 2024 Order Continuing Hearing on [GSWC’s] Motion.

13 **October 2, 2024 Hearing**

14 13. At the hearing on October 2, 2024 regarding Hesperia’s motion for continuance, I
15 did not state that “GSWC’s well fields have been experiencing water level declines during the
16 recent five years.” Rather, my comments related to the fact that Watermaster had notice of GSWC’s
17 concerns about falling water levels in its wells for at least five years.

18 **GSWC Presentation at October 22, 2024 Hearing on GSWC Motion**

19 14. Pursuant to the Court’s Order dated October 7, 2024, attached hereto as **Exhibit 7**
20 is a true and correct copy of the PowerPoint presentation, entitled Presentation in Support of Golden
21 State Water Company’s Motion to Enforce Judgment (the “**Presentation**”), that I intend to make
22 at the continued hearing on GSWC’s Motion on October 22, 2024. A copy of the native file of the
23 Presentation was lodged with the Court pursuant to GSWC’s Notice of Lodging of Presentation In
24 Support of GSWC’s Motion to Enforce Judgment dated October 16, 2024.

25 15. All materials reviewed and used to develop the Presentation were previously filed
26 with the Court as part of GSWC’s evidence in support of the Motion or by the Watermaster in its
27 oppositions to the Motion.

28 16. Slides 5, 13, 15 (portion), 18 through 29, and 31 through 32 are described in the

1 Declaration of Anthony Brown in Support of Notice of Lodging of Presentation dated October 16,
2 2024, filed concurrently herewith.

3 17. Slide 1 was prepared by me or at my supervision and contains introductory
4 information.

5 18. Slide 2 was prepared by me or at my supervision and contains an outline of the
6 presentation.

7 19. Slide 3 was prepared by me or at my supervision and contains the word
8 “Background.”

9 20. Slide 4 was prepared by me or at my supervision and contains true and correct
10 screenshots of the Declaration of Toby B. Moore in Support of Golden State Water Company’s
11 Motion to Enforce Judgment, dated September 6, 2024.

12 21. Slide 6 was prepared by me or at my supervision and contains true and correct
13 screenshot of Figure 3-15: Centro Subarea Hydrographs 2024 prepared by Watermaster and
14 available at GSWC 0346, among other places in the record.

15 22. Slide 7 was prepared by me or at my supervision and contains true and correct
16 screenshot of a slide from a presentation by Watermaster in 2022 related to the Centro Subarea,
17 which is part of Exhibit C to Watermaster’s 2nd Opposition.

18 23. Slide 8 was prepared by me or at my supervision and contains true and correct
19 screenshot of a slide from a presentation by Watermaster in 2022 related to the Centro Subarea,
20 which is part of Exhibit C to Watermaster’s 2nd Opposition.

21 24. Slide 9 was prepared by me or at my supervision and contains true and correct
22 screenshots of Figure 3-15: Centro Subarea Hydrographs 2024 prepared by Watermaster and
23 available at GSWC 0346 among other places in the record. The hydrographs for certain wells on
24 the slide are enlarged versions from Figure 3-15: Centro Subarea Hydrographs 2024 and contain
25 approximated trendlines prepared by my staff.

26 25. Slide 10 was prepared by me or at my supervision and contains the words “2024
27 PSY Update.”

28 26. Slide 11 was prepared by me or at my supervision and contains true and correct

1 screenshots from the Court’s 9/16/2022 Order with annotations. The Court’s 9/16/2022 Order is
2 available at GSWC 0162-71.

3 27. Slide 12 was prepared by me or at my supervision and contains true and correct
4 screenshots from the Court’s 9/16/2022 Order with annotations. The Court’s 9/16/2022 Order is
5 available at GSWC 0172-84.

6 28. Slide 14 was prepared by me or at my supervision and contains true and correct
7 screenshot of Figure 3-19 of Watermaster’s Thirtieth Annual Report with annotations, which is
8 available at GSWC 0353.

9 29. Slide 15 was prepared by me or at my supervision and contains enlarged versions of
10 hydrographs for certain wells that are depicted on Figure 3-15: Centro Subarea Hydrographs 2024
11 prepared by Watermaster and available at GSWC 0346 among other places in the record. My staff
12 added approximate water level trend lines by drawing a line based on the water levels depicted in
13 the hydrographs.

14 30. Slide 16 was prepared by me or at my supervision and contains true and correct
15 screenshot of Figure 3-10 of Watermaster’s Thirtieth Annual Report with annotations, which is
16 available at GSWC 0338.

17 31. Slide 17 was prepared by me or at my supervision and contains the words “Aquilogic
18 Expert Report Critique of Water Budget.”

19 32. Slide 25 was prepared by me or at my supervision and contains the words “Aquilogic
20 Expert Report Response to Watermaster.”

21 33. Slide 30 was prepared by me or at my supervision and contains the words “Aquilogic
22 Expert Report Recommendations.”

23 34. Slide 33 was prepared by me or at my supervision and contains the words “GSWC
24 Motion & Proposed Order.”

25 35. Slide 34 was prepared by me or at my supervision and contains a true and correct
26 copy of a screenshot of the table of contents of GSWC’s Motion to Enforce Judgment, dated
27 September 5, 2024.

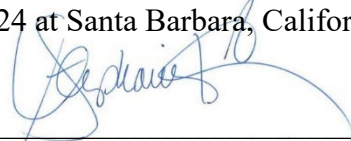
28 36. Slide 35 was prepared by me or at my supervision and contains a true and correct

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copy of screenshots from GSWC’s [Proposed] Order for GSWC’s Motion to Enforce Judgment, dated September 5, 2024.

37. Slide 26 was prepared by me or at my supervision and contains a true and correct copy of screenshot of a slide from a presentation by Watermaster in 2022 related to the Centro Subarea, which is an excerpt from Exhibit C to Watermaster’s 2nd Opposition.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on October 16, 2024 at Santa Barbara, California.



STEPHANIE OSLER HASTINGS

EXHIBIT 1

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

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

[JCCP NO.: 5265](#)

MOJAVE BASIN WATER CASES

CITY OF BARSTOW, et al,

Plaintiff,

v.

CITY OF ADELANTO, et al,

Defendant.

AND RELATED CROSS-ACTIONS

Case No. CIV 208568

**WATER COMPANY'S MOTION TO
ENFORCE JUDGMENT**

~~Assigned for All Purposes to:~~

Date: OCTOBER ~~22~~, 2024

Time: ~~8:30 am~~ 1:30 am

Assigned to Hon. Judge ~~Craig G. Reimer~~Hopp,
Dept. 1

Department M302, Menifee Justice Center

**CITY OF HESPERIA'S SUPPLEMENTAL
OPPOSITION TO GOLDEN STATE**

Hon. Craig G. Riemer, Judge Presiding by
Assignment

~~Dept.:~~ 4

~~Reservation ID for Golden State's motion:~~
~~562595011427~~

Defendant City of Hesperia ("City") hereby submits this supplemental opposition to Golden State Water Company's Motion to Enforce ("Motion") this Court's judgment ("Judgment").

I. INTRODUCTION

On September 6, 2024, Golden State Water Company ("GS"), which is located in the Centro area of the groundwater basin, filed a motion in court asking for an order that the Watermaster:

(1) Evaluate the production safe yield (PSY) for the Alto Subarea, the Centro Subarea, the Transition Zone (aka the “TZ” between Alto and Centro), including the calculation of the PSY of the subareas; conduct a factual investigation on which those calculations are based; and analyze any underlying assumptions inherent in the calculations (whether specified in the Judgment or not); and

(2) submit to the Court a report containing Watermaster’s findings and calculations as a component of its 31st Annual Report of the Mojave Basin Area Watermaster Year 2023-24.

Golden State also asks that the Watermaster be ordered to prepare and submit to the Court a report identifying recommendations and a timeline to improve hydrologic data collection and scientific and engineering estimates for preparation of future updates to PSY and continued implementation of the Judgment, which shall consider the recommendations contained in the Expert Report, as a component of its 32nd Annual Report of the Mojave Watermaster for Water Year 202425.

~~Golden State has apparently been developing the this motion and supporting documents over many months, but has only allowed the other parties 12 days (until September 18, 2024) to retain experts, prepare expert declarations and reports, and prepare and file an opposition, putting other parties at a disadvantage if they wish to oppose the motion. However, the arguments made in GS’ motion were made by GS earlier this year, and, at that time, were rejected by the Watermaster and the Court.~~

~~Golden State’s arguments should be rejected again, and the motion should be denied.~~

H. ARGUMENT

GS’s motion is based on a faulty assumption that the Alto subarea has a specific obligation to Centro. Under the Judgment, the Alto Subarea Obligation (Base Flow and Subsurface Flow) is to the Transition Zone, not to the Centro Subarea. Based on the Wagner Declaration, the evidence is clear that the Alto Producers have met their Base Flow and Subsurface Flow obligations to the Transition Zone. Since the relief requested by GS (and characterized as “enforcement of the judgment”) does not follow the terms of the Judgment, it should be rejected.

Moreover, the Brown Report Figures 5-2 to 5-18 use a misleading 20-year time period that starts right after groundwater elevations in GS wells increased dramatically in response to the 2005 wet year. Of the three very wet years in the 2005 to 2024 time period, water year 2005 was considerably wetter than 2011 and 2023 (see Figure 3 in Watermaster Production Safe Yield & Consumptive Use Update; February, 2024). Thus, the starting point for the Brown Report 20-year period is artificially inflated (i.e., has abnormally high groundwater elevations) by selecting 2005

as the first year of the 20 year sequence. The Brown Report's use of artificially high groundwater elevations in the first year of the analysis period tends to give the impression of declining groundwater elevations that may only be occurring because the starting point is not representative.

Golden State’s arguments were made earlier this year, and GS’s arguments were not accepted at that that time; they should be rejected again, and the motion should be denied.

II. ARGUMENT

A. GS MISCONSTRUES THE JUDGMENT

GS misstates certain obligations under the Judgment, which provides that the Alto Producers’ Subarea Obligation is to the Transition Zone, not the Centro Subarea. The Subarea Obligation owed by the Alto Subarea Producers is to the Transition Zone, not to the Centro Subarea. Exhibits G of the Judgment provides:

1. Subarea Obligations. Producers in the respective Subareas shall have the obligation to provide the following average annual and minimum Annual Subsurface Flows and/or Base Flows per Year: . . .

e. Alto subarea Producers – an average Annual combined Subsurface Flow and

Base Flow of 23,000 acre-feet per Year to the Transition Zone. . . . [Emphasis added.]

The Judgment defines “Base Flow” as “That portion of the total surface flow measured Annually at Lower Narrows which remains after subtracting Storm Flow” (paragraph 4, subd. “h”).

As to the Alto Producers’ obligation to provide subsurface flow, paragraph 1, subd. (e) of Exhibit G of the Judgment, in pertinent part states: “For the purposes of Paragraph 6 of this Exhibit G, the Subsurface Flow shall be deemed to be 2,000 acre-feet per year” (emphasis added).

GS’s expert’s report overlooks the fact that the Alto Producers’ compliance with their Subarea Obligation the Transition Zone is confirmed and verified by actual measurement of the Base Flow component, as explained by the Wagner Declaration filed in support of the Watermaster’s Opposition. The Brown Declaration does not discuss Watermaster evidence showing stable groundwater levels in the Transition Zone and western portion of the Centro Subarea. (Wagner Declaration ISO Opposition to GSWC Motion Exhibit A, Alto Subarea Transition Zone Hydrographs 2024 and Exhibit B, Centro Subarea Hydrographs 2024, at pdf pp. 15-18.)

B. THE BROWN REPORT HYDROGRAPHS FOR THE SELECTED TIME PERIOD DO NOT ADEQUATELY DEMONSTRATE THE OCCURRENCE OF LONG-TERM CHRONIC GROUNDWATER ELEVATION DECLINES IN GS WELLS.

GS has not established cause for the Court to direct Watermaster to reevaluate PSY for the Alto and Centro Subareas. In the Ruling on the Watermaster’s Annual Motion to Adjust Free Production Allowance for Water Year 2024-2025 (“FPA Ruling”), this Court directed that “[a]ny expert opinions offered either in support of or in opposition to any motion shall be limited to opinions that (a) are stated to be more likely than not true and (b) are supported by such analysis and evidence to allow a finder of fact to understand the reasons for that opinion.” (FPA Ruling at p. 7, ¶ 3.) The opinion on which GS relies (Brown Declaration) to argue that PSY for the Alto and Centro Subareas should be revised does not meet the above standard, and City joins the Watermaster’s objections to the Declarations of Anthony Brown and Mr. Laton.

The determination of safe/sustainable yield and associated potential for chronic groundwater elevation decline is ordinarily conducted over a multi-decade time period (and logically longer than 20 years for the type of analysis conducted by Mr. Brown) that is representative of longer-term climatic/hydrologic conditions. The selected time period for analysis should begin and end in below average water years to minimize water in transition and change in storage in the vadose zone (California Department of Water Resources. California’s Groundwater; Working Toward Sustainability. Bulletin 118, Interim Update, available at https://data.cnra.ca.gov/dataset/calgw_update2020/resource/d2b45d3c-52c0-45ba-b92a-fb3c90c1d4be). The Brown Report time period begins in a wet year.

The Brown Report does not provide groundwater level data for non-GS wells in the Centro Subarea or Transition Zone. No information is provided to demonstrate long-term chronic groundwater level declines in other non-GS wells within the Centro Subarea. Concentrated pumping can cause localized groundwater elevation declines and/or or a groundwater elevation depression that are not necessarily representative of the subbasin/subarea water balance as a whole.

Again, the Brown Declaration does not discuss Watermaster evidence showing stable groundwater levels in the Transition Zone and western portion of the Centro Subarea. (Wagner Declaration ISO Opposition to GSWC Motion Exhibit A, Alto Subarea Transition Zone Hydrographs 2024 and Exhibit B, Centro Subarea Hydrographs 2024, at pdf pp. 15-18.)

AC. GS' ARGUMENTS WERE ALREADY LITIGATED IN GS'S FILING IN RESPONSE TO THE WATERMASTER'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR 2024-25, WERE ALREADY ADDRESSED BY THE WATERMASTER, AND THE RELIEF WAS NOT GRANTED BY THE COURT.

(1) GS rehashes its argument that the Watermaster be ordered to consider and prepare an annual report for the Transition Zone "as recommended by Aquilogic."

GS argues that the Watermaster’s Water Budget for the 2024 PSY Update is insufficient and “likely” overestimates inflow to Centro. (GS Motion p. 14.). GS asks that the court order the Watermaster to reevaluate the 2024 PSY Update to “evaluate the potential complex groundwater flow dynamics in the Transition Zone”. However, the Watermaster has already done this, and addressed this argument before.

This is the same relief GS requested in Spring of 2024 for a hearing in June 2024. ~~Prior to~~ Prior to that hearing, the Watermaster responded at pages 6-7 of the Watermaster’s May 28, 2024 Reply. GS suggested that the Watermaster prepare a report for the transition zone (TZ) in line with GS’s expert’s (Aquilogic) recommendations, which would include a water budget for the TZ.

Watermaster and its engineer responded:

“[T]here are two significant elements of the water balance to the TZ, both of which are measured or based directly on measurement. The waste stream from the Victor Valley Wastewater Treatment Plan is discharged within the TZ and is measured and discharged within the TZ. The flow at Lower Narrows is measured directly by USGS weekly to estimate the mean daily discharge. Both of these records are considered reliable and adequate for estimating the water balance in the TZ and calculating outflow across the Helendale Fault. *The water budget elements recommended by Aquilogic are already included in the water budget analysis for the TZ.* The use of the USGS Basin Characterization Model (BCM) and the Parameter-elevation Regressions on Independent Slopes Model (PRISM) are included in the Upper Mojave Basin Model.” (Watermaster’s May 28, 2024 Reply Brief in Support of

Motion to Adjust Free Production Allowance for Water Year 2024-25, p. 7: 1-13, citing Wagner Supplemental Declaration in support of Reply, Exh. A, 4:3-12 [Emphasis added].)

~~The Court did not grant GS's requested orders in Spring of 2024, and it has not presented new evidence. Therefore, the court should reject this motion.~~

(2) GS rehashes Its Prior Request that the Watermaster Install, Operate and Maintain Meters to Monitor Stream Flow in the TZ

At page 13 of its motion, GS asks that the Watermaster be ordered to install, operate and maintain meters and monitor stream flow in the TZ.

However, as the Watermaster and its engineer indicated on May 28, 2024, “monitoring wells are, in fact, present in the Transition Zone and near the Helendale fault [I]n installation of a stream gage at or near the Helendale Fault would `be subject to the same conditions that resulted in [the Wild Crossing gage’s] abandonment, as noted by USGS, Line, 1996. Similarly, installing a stream gage at or near the Helendale Fault as suggested by GSWC would encounter the same conditions, resulting in an unreliable record.’ Data from the monitoring wells located at or near the Helendale Fault are used by the Watermaster and the Watermaster Engineer annually. Such data is published in the Watermaster’s Report every year”. (Watermaster’s May 28, 2024 Reply, p. 6, Section D, citing Wagner Supplemental Declaration, at 4:1-2, Exh. A 3:21-25, in support of Watermaster May 28, 2024 Reply.)

~~Again, the Court did not grant GS’s requested demands in Spring of 2024, and GS has not presented new evidence. Therefore, the court should reject this motion also.~~

(3) GS Again Attacks the Watermaster’s Use of the Groundwater Model, an Argument Previously Made and Rejected.

On page 16 of GS’s Motion, it argues “the Upper Mojave River Basin (UMRBM) model is too limited in spatial extent to be useful for simulations of groundwater in the Transition Zone and the model cannot yet simulate the potentially complex groundwater flow dynamics between the Transition zone and the Centro Subarea because a portion of the Transition Zone and the Centro Subarea are not included in the model.” (GSWC Motion at 16:1-5, citing Evidence, Exh. 1, pp. 262 [citing its Expert report, section 4.3].).

This argument was refuted this Spring. As explained in the Watermaster's Engineer's Declaration, the Upper Mojave Basin Model "incorporates hydrologic data and analysis to represent the conditions of the Alto Subarea for the period 1951-2020. A description of the Model and its assumptions and output is available as Appendix A-G of Exhibit 5." (Watermaster's May 28, 2024

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Reply, p. 7; Wagner Declaration Ex. C to Watermaster Motion to Adjust FPA for Water Year 202425, 3:11-14.)

In addition the Watermaster’s Engineer concluded:
“the model output for future conditions resulting from importing 17,475 acre-feet per year in Alto will increase water flow at the Upper Narrows at the Mojave Narrows Regional Park, increase flow through the Lower Narrows and support habitat throughout the Transition Zone, while also increasing flow downstream to Centro across the Helendale Fault. The modeling output shows that average annual flow as measured at Lower Narrows will increase by about 9,000 acre-feet per year (Exhibit 5, Appendix A, Figure 4).” (Wagner Decl. Exhibit C to Watermaster Motion to Adjust FPA for WY 2024-25, 4:1-6.)

Mr. Wagner’s Supplemental Declaration in Support of Reply in support of Watermaster Motion to Adjust FPA for WY 2024-25, also explained flows across Helendale Fault, which represents the long term average supply to Centro, will not occur every year. (Wagner Suppl. Decl. Exh. A, at 4:13-20, in support of Watermaster Reply in support of Watermaster Motion to Adjust FPA for WY 2024-25.) Like many river and stream systems in the west, the Mojave River system is episodic, meaning there are long periods of ~~well below~~well-below average flow followed by occasional periods of well above average flow. (*Ibid.*) The Judgment is predicated on the long term average flow. (*Ibid.*) The Upper Mojave Basin Model is being expanded already to include the TZ and the Centro and Baja subareas, and when complete, will provide another tool. (*Ibid.*) Thus, GS’s motion in regard to this model is unnecessary~~and moot~~.

III. CONCLUSION

GS misconstrues the terms of the Judgment. GS also cherry-picked non-representative years in a manner that does not following the Judgment.

~~B. THE HEARING SHOULD BE CONTINUED TO ALLOW PARTIES ADEQUATE TIME TO OPPOSE OR OTHERWISE RESPOND TO A HIGHLY TECHNICAL MOTION~~

~~GS states it met and conferred with the Watermaster, coordinated the hearing date and briefing schedule with the Watermaster, but did not do so with any other parties, despite the fact that its motion affects all parties, particularly those in Alto and Centro. The GS motion was served~~

~~electronically only 16 days before the hearing, allowing the minimum time permitted by law for a personally delivered motion, on a highly technical motion, warranting a continuance of the hearing.~~

III. CONCLUSION

GS offers no evidence or expert opinion that GS's well data is representative of conditions within the greater Centro Subarea. The Court cannot draw any conclusion about Centro Subarea groundwater conditions or flows from the Transition Zone to the Centro Subarea considering only GS well data. Accordingly, GS has not established that it is more likely than not (1) that decreases in inflow (if any) to Centro have contributed to declining water levels in GS's wells or (2) that Alto is failing to meet its obligation to the Transition Zone.

The arguments made in GS' motion were made by GS earlier this year, and, at that time, were rejected by the Watermaster and the Court. Golden State's arguments should be rejected again, and the motion should be denied. ~~Alternatively, the Court should continue the hearing to allow the~~

By: _____



CHRISTINE M. CARSON
Attorneys for CITY OF HESPERIA

~~City files this Opposition in an abundance of caution, and in filing this Opposition, City does not waive any arguments, rights or defenses.~~

EXHIBIT 2

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8 MOJAVE WATER AGENCY

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

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

14 MOJAVE BASIN WATER CASES

15 CITY OF BARSTOW, et al.,

16 Plaintiff,

17 vs.

18 CITY OF ADELANTO, et al.,

19 Defendant.

20
21
22
23
24
25 AND RELATED CROSS-ACTIONS
26
27

JCCP NO.: 5265

Dept. 1, Riverside Superior Court
Hon. Craig G. Riemer, Judge Presiding

CASE NO. CIV 208568

**NOTICE OF MOTION AND MOTION
TO ADJUST FREE PRODUCTION
ALLOWANCE FOR WATER YEAR
2023-2024; MEMORANDUM OF
POINTS AND AUTHORITIES AND
DECLARATION OF ROBERT C.
WAGNER IN SUPPORT THEREOF**

Assigned for All Purposes to:
Judge Craig Riemer
Dept. 1

DATE: June 9, 2023
TIME: 1:30 p.m.
DEPT: 1

EXHIBIT C

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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,

**DECLARATION OF ROBERT C.
WAGNER, P.E. IN SUPPORT OF
MOTION TO ADJUST FREE
PRODUCTION ALLOWANCE FOR
WATER YEAR 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

24
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 is attached as Exhibit 1 and list of sources used in support of this declaration is attached as Exhibit 2. I

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

7 Watermaster adopted the Alto PSY of 62,005 acre-feet and set the FPA at 53.3% of BAP for the
8 2024-25 Water Year

9 **Centro – 60% of BAP**

10 PSY for Centro has been reevaluated and should be set at 31,420 acre-feet (Exhibit 5, Appendix
11 A, Table 1). The indicated FPA for Centro based on the PSY update would be 61.6% of BAP. We note
12 that Golden State Water Company has experienced problems with its production wells in some areas due
13 to declining water levels. We have presented Watermaster with data showing that concentrated pumping
14 (Exhibit 6) in small, segmented aquifers along the river are depleted faster than they can be recharged
15 through long dry periods (2012-2022 for example). Exhibit 6, was prepared by MWA personnel under
16 my supervision.

17 In 2022 MWA committed to deliver 5,000 acre-feet of supplemental water as a temporary relief
18 for Centro Producers. The storms of 2023 (199,660 acre-feet at the Forks of native water supply) and
19 the release of about 73,000 acre-feet to the Mojave River by MWA have increased water levels
20 downstream (Watermaster Annual Report, May 1, 2024, Figure 3-15). Water levels in this area of
21 Centro are variable dependent on Mojave River storm flow. Due to concentrated pumping in this area
22 by Industrial, agricultural, and municipal parties, water levels are depressed during long drought periods,
23 and respond positively to storm events. The continuous importation of water to satisfy the annual deficit
24 in the upstream subarea will help mitigate this and other downstream issues.

25 The Mojave River flows between the Alto Subarea and the Centro Subarea across the Helendale
26 fault, just north of the community of Helendale. The TZ is the area between the Lower Narrows and the
27 Helendale Fault and is part of the Alto Subarea. There is a subarea flow obligation between Alto and
28 Centro of 21,000 acre-feet of surface flow and 2,000 acre-feet of subsurface flow. This obligation is to

1 the Transition Zone (TZ). (Judgment After Trial, Exhibit G (e), page G-2) and has been met every year
2 since entry of Judgment.

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

9 Watermaster adopted the Centro PSY of 31,420 acre-feet and set the FPA at 60% of BAP for the
10 2024-25, Water Year.

11 **Baja – 20.5% of BAP**

12 We have updated the PSY for Baja based on a subarea wide assessment of water levels and
13 decreases in pumping in Baja (Exhibit 5, Appendix E). Pumping has declined 75% since entry of
14 Judgment (1996) and 60% from the 2016 level. The pumping decline since 2016 has caused some water
15 levels to slow the historic drop, and even recover in some wells (Exhibit 5, Appendix E). This trend is
16 likely to continue and is an indication that the PSY in Baja is close to the average amount of pumping
17 for the past several years. Our assessment of the Baja water balance, for long term conditions and
18 existing pumping and outflow, also suggests that Baja has reached a level of sustainability. We note that
19 any increase in pumping in the future will likely cause water level declines.

20 The California Department of Fish and Wildlife (CDFW) provided comments to Watermaster
21 addressing concerns for water loss in the Baja Subarea and water use by riparian habitat. Watermaster
22 met with CDFW on March 11, 2024 and April 17, 2024 to discuss these concerns. CDFW objected to
23 the characterization that water use by riparian habitat has decreased as indicated by Exhibit 5, Appendix
24 E. Watermaster recognizes the importance of protecting the sensitive habitats in Baja and will work
25 with CDFW to update estimates of riparian water use and identifying causes of the decline. CDFW has
26 agreed with the recommendation to leave Baja FPA unchanged at 20.5% of Base Annual Production.

27 Watermaster adopted the Baja PSY of 12,749 acre-feet and set the FPA at 20.5% of BAP for the
28 2024-25, Water Year.

EXHIBIT 3

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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").

26 \\\
27 \\\
28

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

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE, RIVERSIDE HALL OF JUSTICE**

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

JCCP NO.: 5625
Case No. CIV 208568

MOJAVE BASIN WATER CASES

Assigned for All Purposes to:
Hon. Judge Craig Riemer, Dept. 1

CITY OF BARSTOW, et al,

Plaintiff,

**CITY OF HESPERIA'S OPPOSITION TO
WATERMASTER'S MOTION TO
ADJUST THE FREE PRODUCTION
ALLOWANCE**

v.

CITY OF ADELANTO, et al,

Defendant.

[Filed with Declaration of Michael Thornton,
Request for Judicial Notice and Declaration of
Christine Carson]

AND RELATED CROSS ACTIONS

Date: June 9, 2023
Time: 1:30 p.m.
Dept.: 1

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1 *production, return flow of production, water use by riparian habitat, gaged and*
2 *ungaged inflow, mountain front recharge, estimates of inflow and outflow to and*
3 *from the Transition Zone and evaluate the changes in water levels over time.*

4 Ultimately the variation in water levels will guide Watermaster in setting Free
5 Production Allowance.” (Wagner Declaration p. 4 lines 12-16 [emphasis added].)

6 A rampdown is premature at this time, due to the lack of such data, and thus the Watermaster
7 backs into the following conclusion without the benefit of the data and analysis the Watermaster
8 engineer will have in December:

9 “Based on preliminary, model output, the estimated loss in storage (deficit) in the
10 Alto subarea between 1951 and 2017 was between 16,800 acre feet and 18,500 acre
11 feet per year (Exhibit 6). The current estimate of the deficit in Alto, 18,277 acre feet,
12 assuming an FPA of 50% as proposed herein, agrees well with the preliminary.”
13 (Wagner Declaration, p. 4 lines 25 to 28.)

14 The Watermaster engineer then goes on to propose 50% without any analysis or back up for
15 that conclusion, which he *concedes* will not be ready until December 2023:

16 “Additional Rampdown in Alto, based on a Free Production Allowance of 50%,
17 would provide for the importation of about 18,277 acre feet of supplemental water
18 per year to offset the deficit, as measured against the long term average water supply
19 conditions (1931-1990) (see Exhibit 5).” (Wagner Decl., page 5 lines 7-10.)

20 However, a rampdown will not necessarily provide for importation of 18,277 af of
21 supplemental Water. In this adjudication, a rampdown normally does not provide for supplemental
22 water, in practice, though it should in theory. A rampdown causes a replacement water charge to
23 be imposed on users, but MWA does not necessarily use that money for purchases of imported
24 water, as evidenced by the purchase of only 12 AFY (2021-2022 Annual Watermaster Report, Chart
25 entitled “Imported Water Deliveries by MWD” p. 23) -- despite the prior rampdown.

26 **C. The Watermaster Must Update its Studies on Consumptive Use in the Basin,**
27 **and Consider Wastewater System Operational Changes in the Alto Subarea**

28 In its Annual Report for 2021-22, Watermaster indicates that it conducts a consumptive use



1 analysis annually, and fine tunes the assumptions as individual producers’ use and each subarea’s
2 hydrology is further understood. (2021-22 Watermaster Report, “State of the Basin”, p. 29.)
3 However, in its Annual Report, the Watermaster relies upon a 2018 Water Consumptive Study it
4 prepared at the Court’s request. (Watermaster Report of 2021-22, Chapter 5 “Free Production
5 Allowance for Water Year 2023-24” p. 36.) Given the increased population since 2018 and
6 increased utilization of drought measures to reduce water consumption, the 2018 study is outdated.

7 Further, it appears the Watermaster has not taken into account wastewater system operational
8 changes in the Alto subarea. The Victor Valley Wastewater Reclamation Authority (“VWVRA”) is
9 bringing two Sub-Regional Wastewater Treatment Plants on line that will provide recycled water
10 supplies to meet irrigation demands resulting in demand reductions and Alto Subarea recharge.
11 When operating at capacity, these plants will generate approximately 2,000 AFY of recycled water
12 supplies for irrigation uses and Alto Subarea recharge. (Thornton Declaration paragraph 6.)

13 The Watermaster should complete a more recent study to develop accurate consumptive use
14 estimates in accordance with its obligations under the Judgment prior to making further rampdown
15 recommendations.

16 **D. The Watermaster Must Meet Replacement Water Obligations Before**
17 **Recommending Further Rampdowns**

18 The FPA is defined by the Judgment as “the total amount of water, and any producer’s share
19 thereof, that may be Produced from a Subarea each Year free of any Replacement Obligation.”
20 “Replacement Obligation” is defined by the Judgment as “The obligation of a Producer to pay for
21 Replacement Water for Production from a Subarea in any Year in excess of the sum of such
22 Producer’s share of that Year’s Free Production Allowance for the Subarea plus any Production
23 pursuant to a Carry Over Right.”

24 All water produced in excess of any producers’ share of the FPA should be replaced by the
25 producer. In theory, this is accomplished by payment to the Watermaster sufficient to purchase
26 Replacement Water. The Watermaster then assumes responsibility for replacing such excess
27 production. (Watermaster’s previously filed Declaration of Robert C. Wagner, P.E. in Support of
28 Motion to Adjust Free Production Allowance for Water Year 2019-2020, at page 4 lines 9 – 18.)

EXHIBIT 5

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16 OF VICTORVILLE (formerly VICTOR VALLEY WATER DISTRICT and BALDY MESA
17 WATER DISTRICT)

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

19 **FOR THE COUNTY OF RIVERSIDE**

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

22 MOJAVE BASIN WATER CASES

23

CITY OF BARSTOW,

24 Plaintiff,

25 v.

26 CITY OF ADELANTO, et al.,

27 Defendants.
28

29 **AND RELATED CROSS ACTIONS**
30

Case No. CIV208568

**CITY OF VICTORVILLE /
VICTORVILLE WATER DISTRICT'S
COMMENTS ON WATERMASTER'S
MOTION TO ADJUST FREE
PRODUCTION ALLOWANCES FOR
WATER YEAR 2023-2024**

Assigned for All Purposes to Judge Craig
Riemer, Department 1 (through January 25,
2023)

**June 9, 2023
1:30 p.m.
Department 1**

1 Subareas is expected to be completed by December 1, 2023, but that Watermaster proposes the
2 elimination of “Deep Percolation of Precipitation” estimates in the estimated long term average
3 water supply for the Alto Subarea. VWD does not take a position on the removal of “Deep
4 Percolation of Precipitation” estimates, but VWD supports the use of actual data rather than
5 estimates where possible, and agrees with the Watermaster Engineer’s statement that “[t]o more
6 fully evaluate PSY, it is necessary to investigate consumptive use of production, return flow of
7 production, water use by riparian habitat, gaged and ungaged inflow, mountain front recharge,
8 estimates of inflow and outflow to and from the Transition Zone and evaluate the changes in water
9 levels over time.” (Declaration of Robert C. Wagner, P.E. in Support of Motion to Adjust Free
10 Production Allowance for Water Year 2023-2024, p. 4, ln 12-15.) Removal of one element of the
11 PSY equation now, without consideration of other potential changes the Watermaster expects to
12 address later in 2023, seems premature. VWD recommends a more deliberate process for PSY
13 adjustments, and VWD is committed to working with Watermaster and other producers to better
14 understand the Basin’s long-term average water supply and PSY.

15 The Judgment provides that if the FPA exceeds the estimated PSY by five percent or more,
16 Watermaster shall recommend a reduction of the FPA equal to a full five percent of the aggregate
17 Subarea BAP. VWD questions Watermaster’s recommendation to adjust the Alto FPA from
18 54.4% to 50% of BAP because the current 54.4% FPA is equal to the unadjusted PSY. Even if
19 Deep Percolation of Precipitation is removed from the Alto Subarea long-term average supply, the
20 Alto FPA will still remain within five percent of the adjusted PSY. Reduction in the Alto FPA is
21 not needed.


22 The ample precipitation and runoff that has occurred in early 2023 and Mojave Water
23 Agency’s plan to import and recharge additional water in 2023 provide additional good cause to
24 hold the existing PSY and 54.4% FPA for Water Year 2023-2024.

25 **CENTRO PSA SHOULD BE REDUCED AS RECOMMENDED**

26 The Watermaster’s recommendation to adjust the Centro FPA to 55% of BAP is supported
27 by the Judgment because the FPA exceeds PSY by more than five percent.

EXHIBIT 6

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

CASE TITLE: Mojave Basin Water Cases / City of Barstow v. City of Adelanto	Department 1	FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE
CASE NO.: JCCP5265 / CIV208568		OCT 07 2024
DATE: October 2, 2024		S. Salazar 

PROCEEDING: Order: Continuing Hearing on Golden State's Motion; and Advancing Status Conference.

Order Continuing Hearing on Motion

Golden State Water Company moved to enforce the judgment. That motion was scheduled to be heard on October 2, 2024. The City of Hesperia asked to continue the hearing. Shortly thereafter, Golden State requested leave to present oral testimony at the hearing. Those two requests were heard on October 2, 2024. At that time, Hesperia requested leave to depose Golden State's expert. After hearing from all parties expressing opinions on those requests, the Court rules as follows:


1. Hesperia's request to continue the hearing on Golden State's motion is granted. The hearing is continued to October 22, 2024, at 1:30 P.M. ~~Contrary~~ to what the Court stated at the time, the motion shall be heard in Department M302 at the Menifee Justice Center.
2. The request to present oral testimony is granted in part and denied in part, subject to the following conditions.
 - a. All evidence upon which a party intends to rely in support of its position shall be set forth in detail in declarations or exhibits filed either by that party or some other party. That evidence shall not consist merely of conclusions or opinions. To the contrary, the evidence must be sufficient in both quantity and quality to persuade the Court to reach the same conclusion on its own analysis. To meet that standard, the evidence should be detailed. Moreover, the significance of that evidence – i.e., why that evidence, if believed, supports the party's position – should be clearly explained. In short, the party's written arguments and evidence should be sufficient, without further evidence or explanation, to persuade the Court of the strength of the party's contentions.
 - b. At the hearing, any party wishing to orally review for the Court the party's factual contentions regarding the merits of the motion and the evidence supporting those contentions may do so. That presentation shall be made by counsel, shall be illustrated through a Power Point or similar presentation, and shall be limited to the evidence previously filed in the form of declarations or exhibits. No later than October 16, 2024, copies of the Power Point slides that a party intends to use shall

be shared with every other party that has filed documents supporting or opposing Golden State's motion.

- c. During the hearing, the Court may ask questions of counsel concerning the parties' respective contentions and the evidence the parties rely upon to support their contentions. If counsel is not able to adequately answer the Court's question, counsel may call upon a witness to do so through oral testimony. Any such answer should be limited to the evidence previously filed in connection with this action. If the witness needs to refer to other evidence in order to fully answer the Court's question, the witness shall advise the Court that the evidence goes beyond the written evidentiary record developed for the motion.
 - d. In the event that extra-record evidence is offered, the Court may or may not permit that evidence to be received. If extra-record evidence is received through a witness's testimony, the Court may permit cross-examination of that witness, may permit rebuttal witnesses, or may continue the hearing, in the Court's discretion.
 - e. If desired, any party that has filed documents supporting, opposing, or otherwise responding to the motion has leave to file and serve additional argument or evidence no later than October 9, 2024. If any such new document is in the form of additional declarations from witnesses who have already filed a declaration, the new declaration shall be in the form of an amended declaration rather than a separate supplemental declaration, so that all testimony of that witness shall be located in a single document.
 - f. Any opposition, reply, or objection to any such new declarations shall be filed and served no later than October 16, 2024. Any reply shall be limited to argument; no additional declaration will be permitted at that late date.
3. No deposition of Golden State's expert shall be allowed without further order of the Court.

Order Advancing Status Conference

The status conference in the coordinated proceeding, currently scheduled for October 24, 2024, in Department 1, is advanced to October 22, 2024, at 1:30 P.M. in Department M302.



Craig G. Rjemer, Retired Judge of the Riverside
Superior Court, sitting by Assignment of the
Chief Justice

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 October 8, 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:

PROCEEDING: ORDER: CONTINUING HEARING ON GOLDEN STATE'S MOTION; AND ADVANCING STATUS CONFERENCE

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 October 8, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

EXHIBIT 7

Presentation in Support of Golden State Water Company's Motion to Enforce Judgment

**Stephanie Hastings, Brownstein Hyatt Farber Schreck LLP
on behalf of Golden State Water Company (GSWC)**

October 22, 2024

Presentation Outline

- 1. Background**
- 2. 2024 PSY Update**
- 3. Aquilologic Expert Report**
 - A. Critique of Water Budget
 - B. Response to Watermaster
 - C. Recommendations
- 4. GSWC Motion & Proposed Order**

Background

GSWC Concerns

9. 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 Free Production Allowance (“FPA”) and Alto Subarea Producers purportedly meeting their Minimum Subarea Obligations, as Watermaster has reported in its Annual Reports.

10. 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.

11. At the same time, nitrate levels in four of the production wells increased to levels exceeding the Nitrate as Nitrogen maximum contaminant level (“MCL”) of 10 milligrams per liter (“mg/l”). In response to these impacts in 2017, GSWC was forced to take these wells out of service and to construct a \$5 million 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.

Mojave Basin Area

Faults or Flow Barriers
(USGS and Watermaster)

Centro Subarea

WY 2023 first full year of data

Hodge Gage

Mojave River

Alto Transition
Zone

Long-term data
Lower Narrows Gage

Glen Road WF

Agate WF

Bradshaw WF

Arrowhead WF

Barstow Gage

Long-term data

Barstow

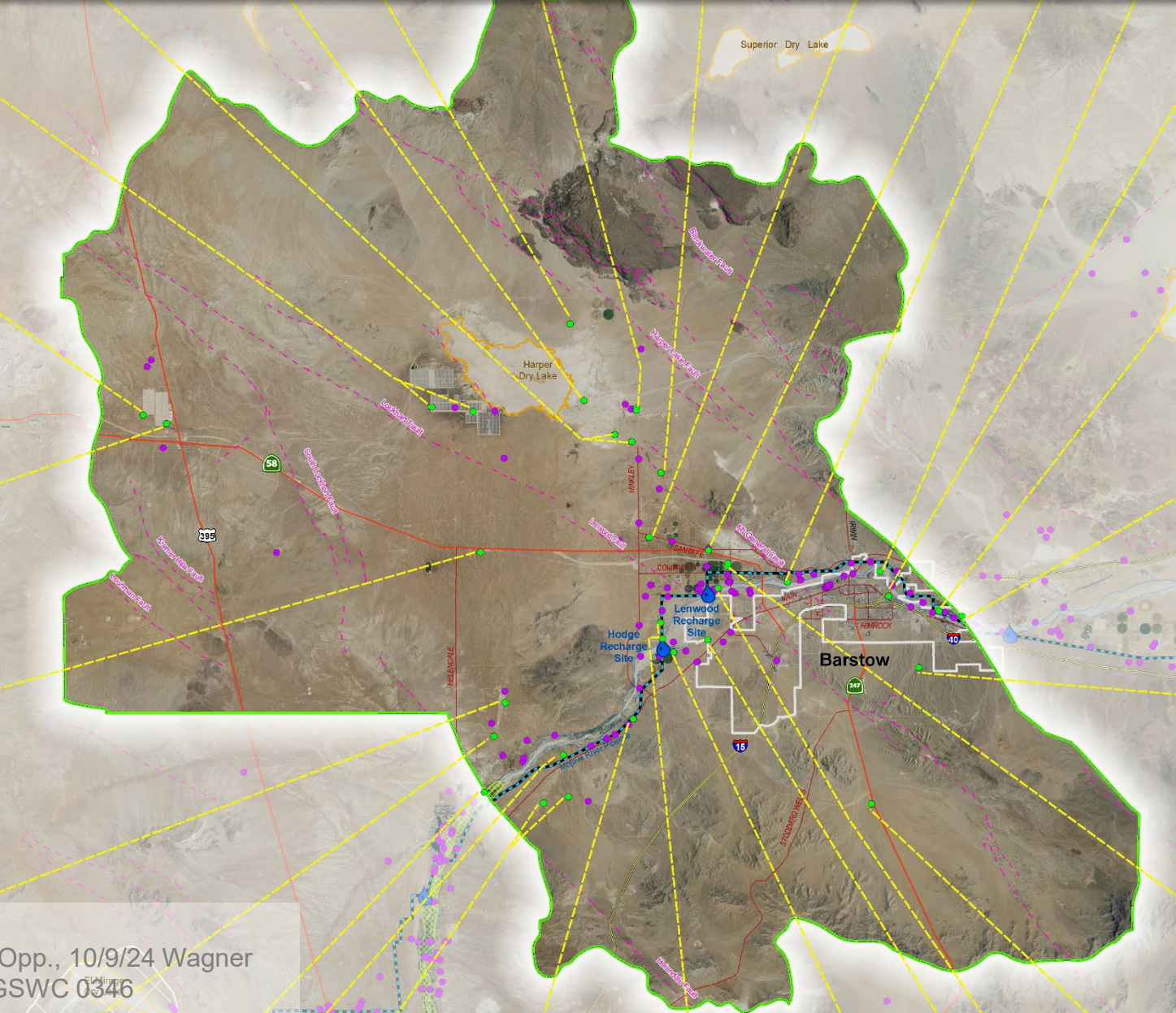
Centro Subarea

Alto Subarea

From:
GSWC 0051, 0059

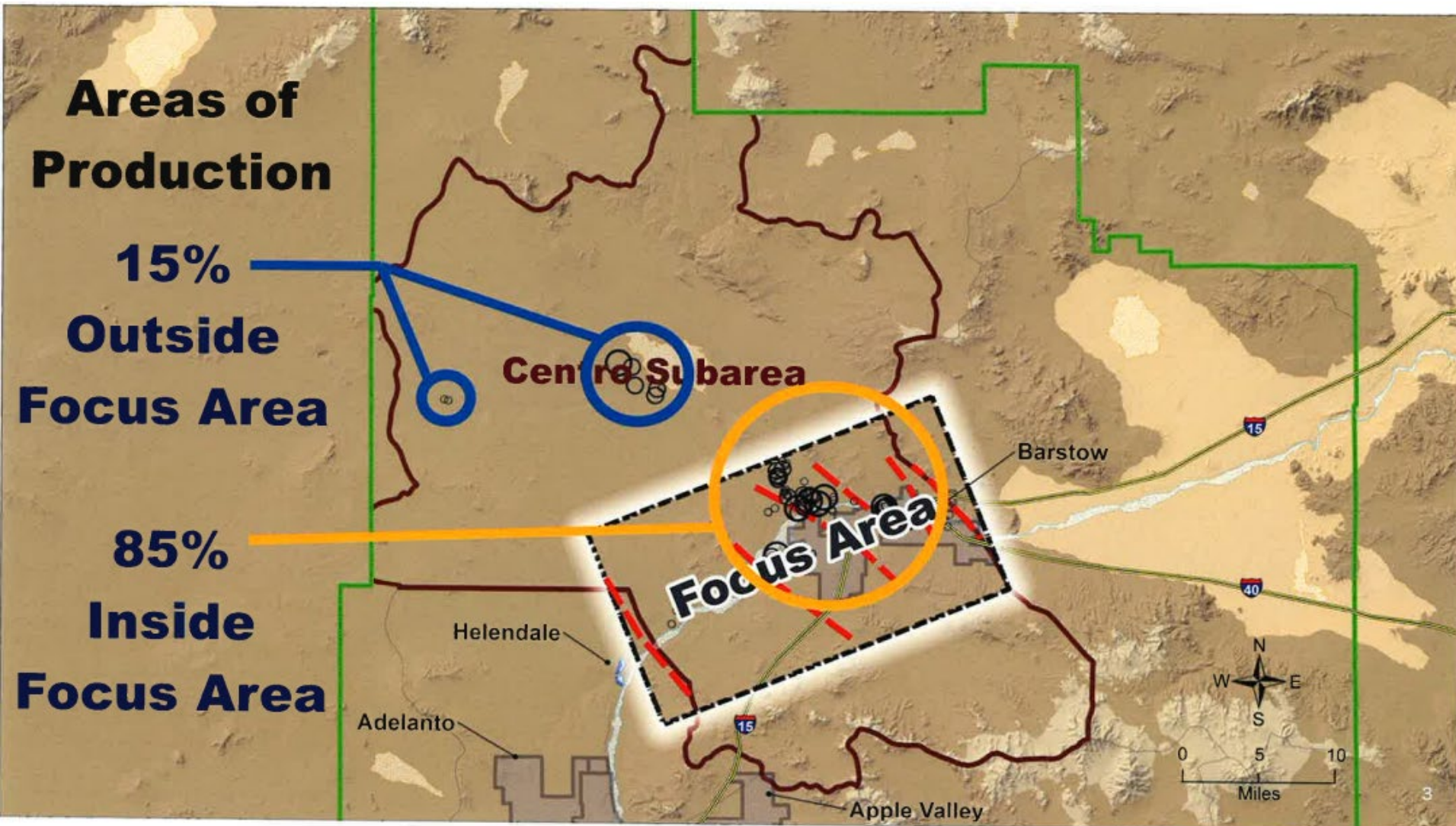
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS

Centro Subarea Groundwater Level Monitoring



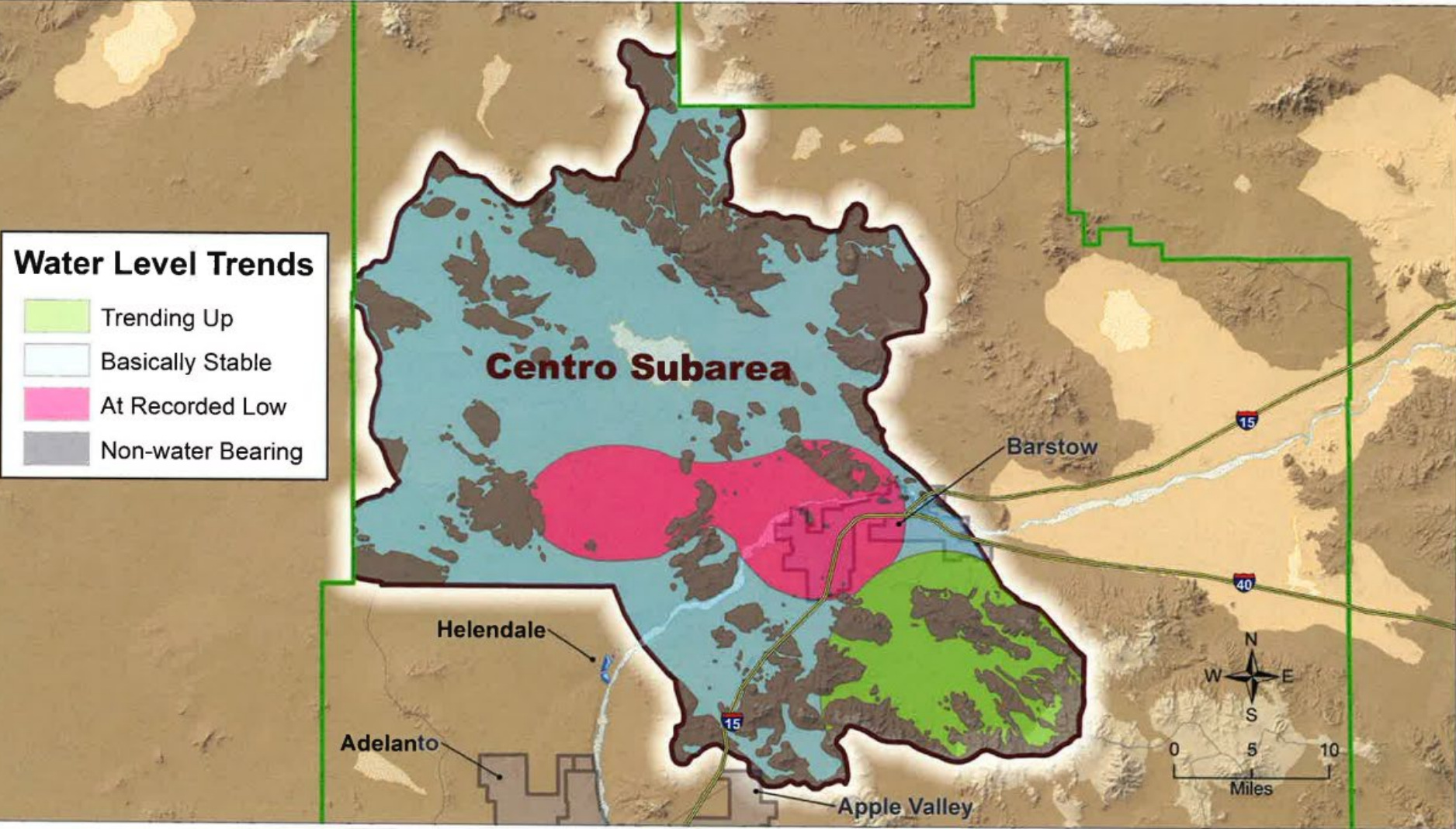
From:
Watermaster 2nd Opp., 10/9/24 Wagner
Decl., Exh. 1.B; GSWC 0346

Centro Subarea Producers



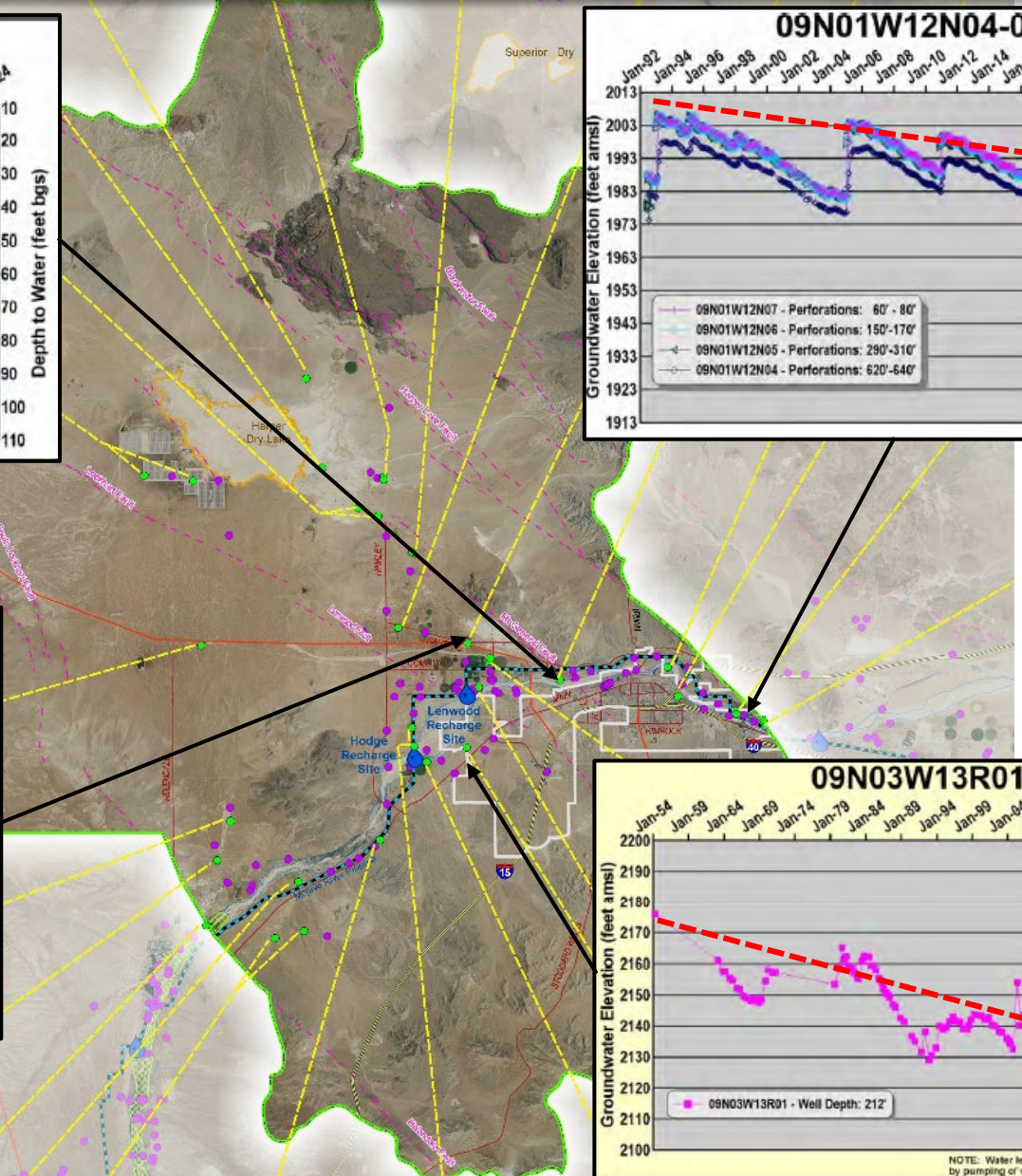
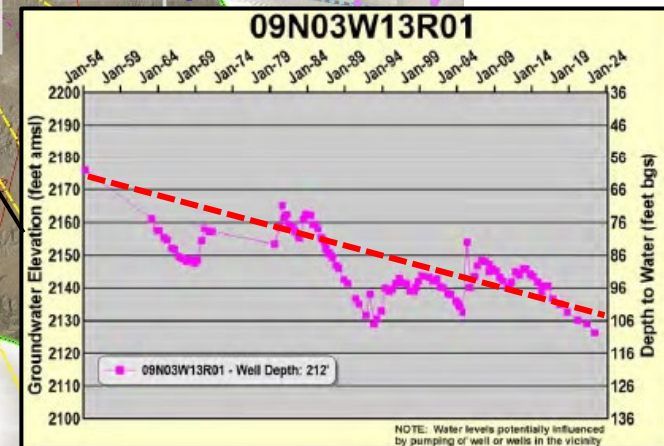
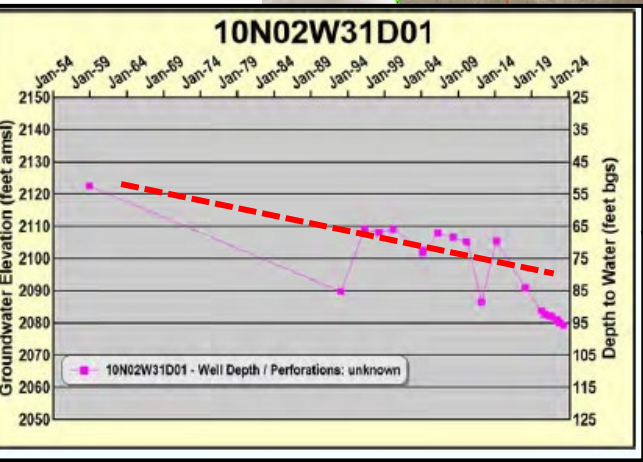
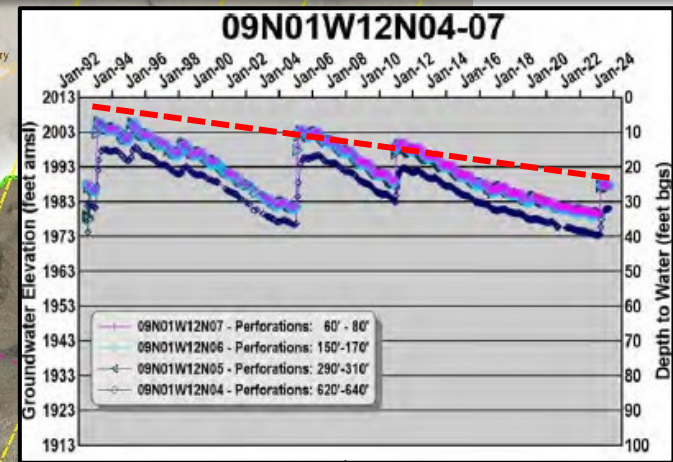
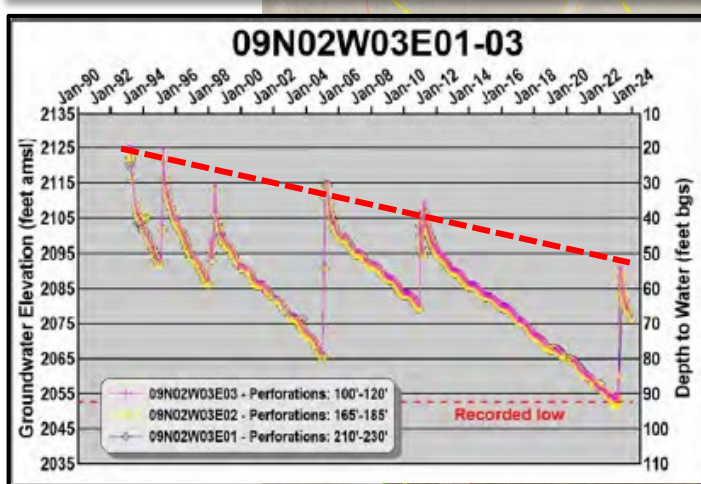
From:
Watermaster 2nd Opp., Exh. C, p. 27.

Centro Subarea Trends 2022



From:
Watermaster 2nd Opp., Exh. C, p. 11.

Centro Subarea Water Levels



From:
Watermaster 2nd Opp., 10/9/24 Wagner
Decl., Exh. 1.B; GSWC 0346

NOTE: Water levels potentially influenced by pumping of well or wells in the vicinity

2024 PSY Update

9/16/22 Order

The Watermaster shall re-evaluate the PSY for each of the five subareas in the basin. If possible, that new formulation shall be the foundation of the recommendations for adjustments to FPA for the Water Year 2023-2024. If that re-evaluation cannot be completed soon enough to be used for that purpose, it shall be completed as soon as possible and the Court's approval shall be sought as soon as possible thereafter.

Over the last three years, Alto's FPA has been reduced to just above PSY. Nevertheless, the storage levels have continued to drop, just as they have been for the last 10 years. If FPA is reduced to PSY, but groundwater storage is still declining notwithstanding the purchase and supply of replacement water, it's logical to question whether the PSY calculations are founded on correct assumptions.

If that is not the most representative period, should a different period be defined? Mr. Wagner has stated that, if the judgment were being negotiated today, it would be more prudent to select "a shorter, drier planning period (hydrologic base period) for local supply . . . , resulting in a lower estimated Production Safe Yield and consequently lower annual Free Production Allowance." (Wagner Decl., p. 6, ll. 18-21.) Is the Watermaster bound to rely upon what appears at this point in time to be a less-than-prudent period?

(2019 Wagner declaration, p. 3, ll. 5-17, emphasis added.) Thus, the 2019 re-evaluation appears to re-evaluate all of the relevant factors except for supply. Why, with an additional and more recent 30 years of data, should the PSY calculation continue to rely upon the prior 60-year period for defining the long-term average? At the very least, should not the past 32 years of data be added to the original 60 years?

For all these reasons, the Court declines to order rampdown of FPA below PSY. Instead, the Court will order FPA to equal to PSY, by reducing FPA by an additional 0.1 percent to 54.4%, and shall order the Watermaster to re-evaluate PSY in all subareas as part of its annual motion in June of 2023.

6/27/24 Order

Revised PSY – In General

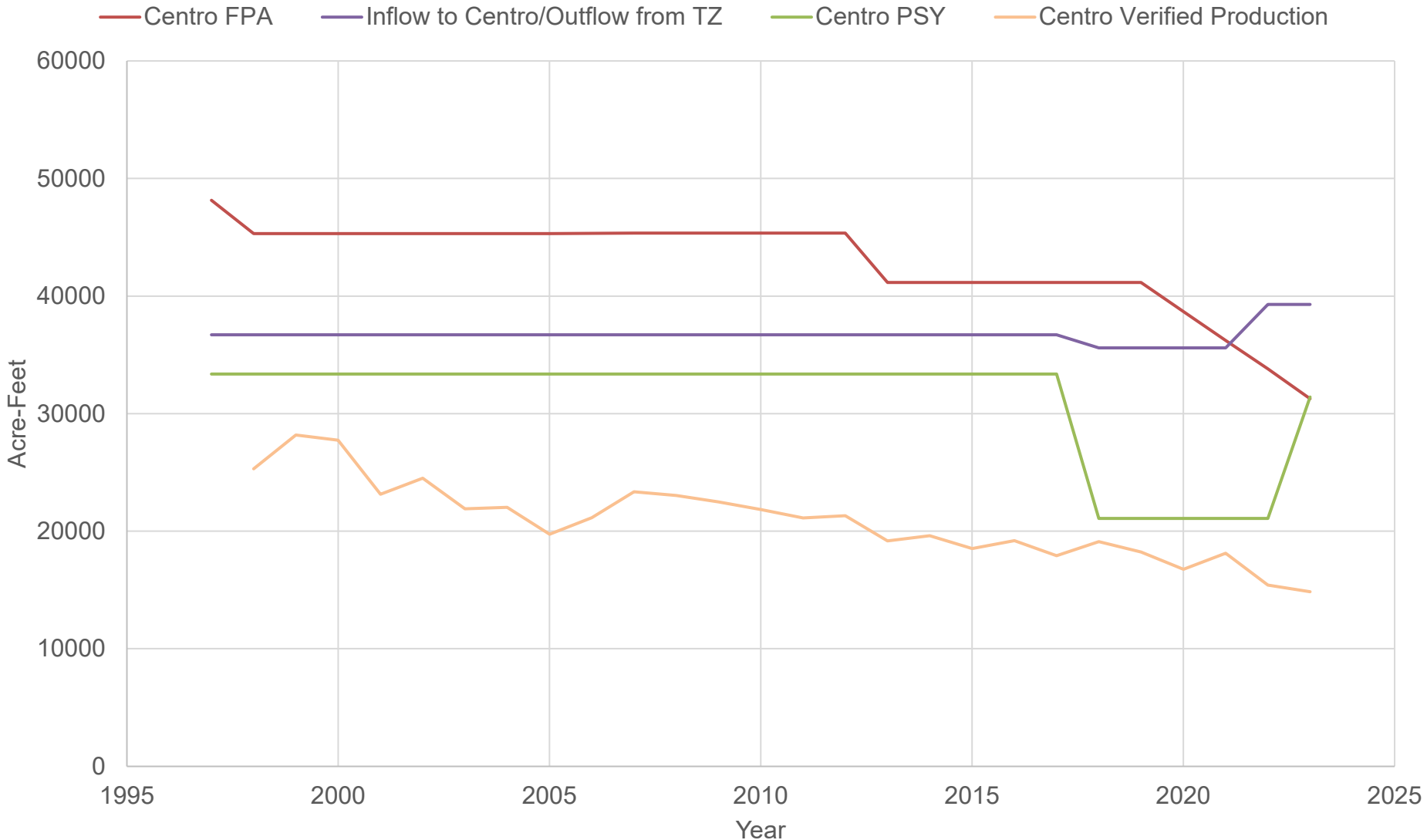
The Watermaster proposes to increase the PSY in all five subareas as follows:

Subarea	Existing PSY in acre feet	Proposed PSY for 2024-2025 in acre feet	Amount of Proposed Increase in acre feet	Percentage Increase
Alto	59,409	62,005	2,596	4.4%
Baja	12,189	12,749	560	4.6%
Centro	21,088	31,420	10,332	49.0%
Este	4,728	6,582	1,854	39.2%
Oeste	1,712	3,634	1,922	112.3%

Nevertheless, the Court declines to do either at this time. In addition to the reservations described above concerning a possible increase of FPA in Alto, the Court is concerned about the affect of increased pumping on the public trust resources. The Court also notes that the model the Watermaster is developing does not yet extend to Centro, suggesting that the proposed PSY may not be accurate. On the other hand, the water storage in Centro is well above the Area of Concern. (Annual Report, figure 3-19.) Moreover, the degree to which FPA has fallen below PSY is greater in Centro (6.6%) than in Alto (4.4%).

In consideration of those conflicting factors, the Court finds that the FPA should be increased to move toward equalization of FPA and PSY, but that it should be done in a cautious and incremental manner. The Court orders that the FPA for all producers in Centro shall be increased by 1% from 55% of BAP to 56% of BAP for Water Year 2024-2025.

PSY, FPA, Inflows & Production Over Time



30th Annual Report - Figure 3-19

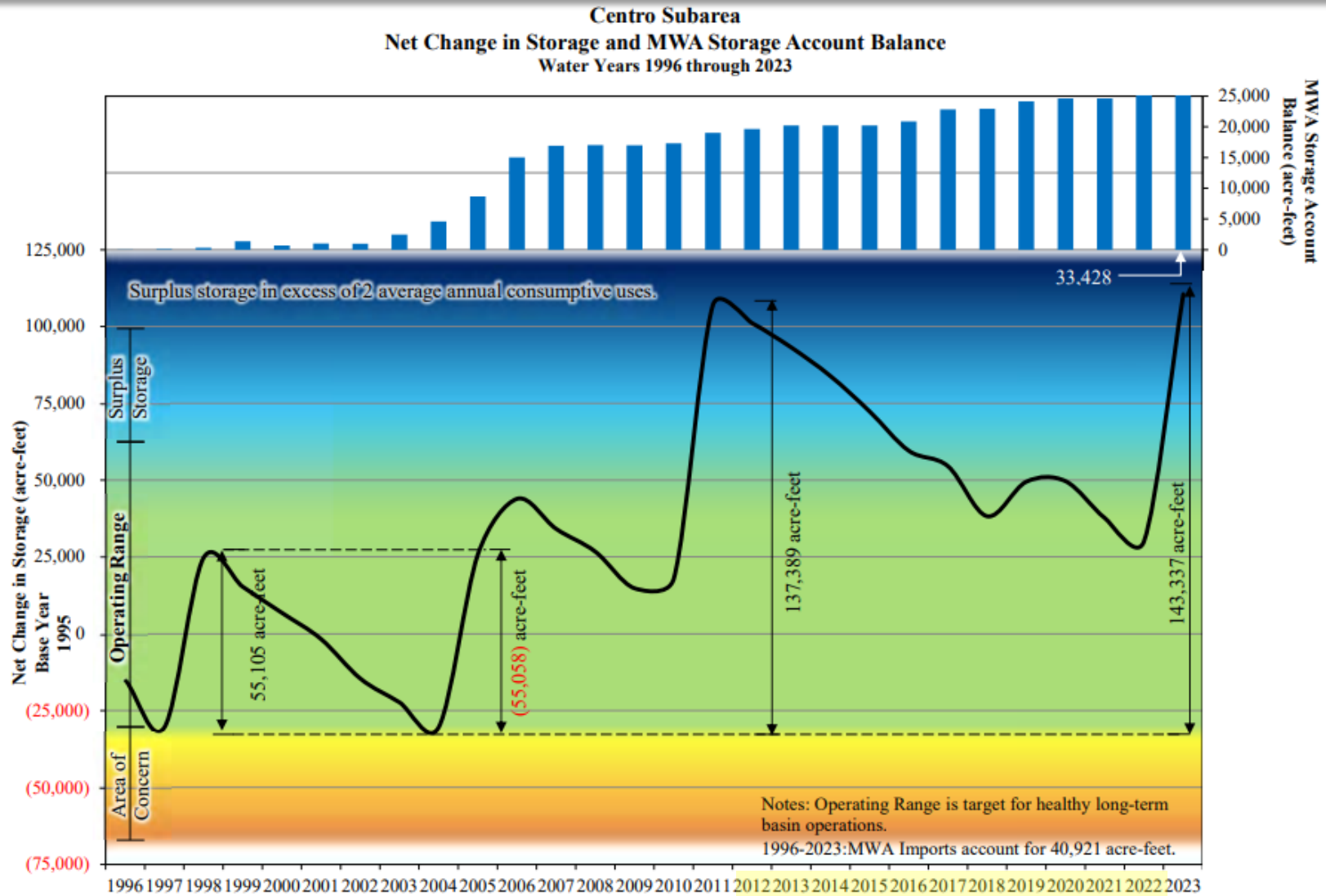
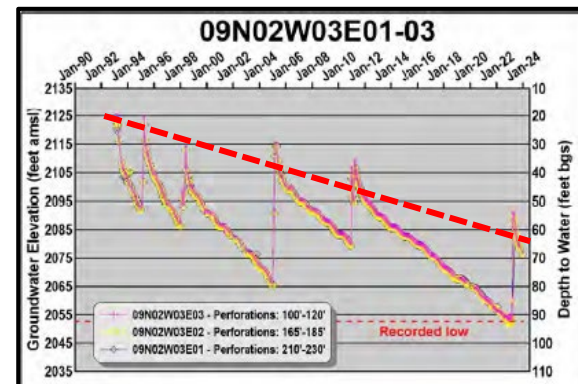
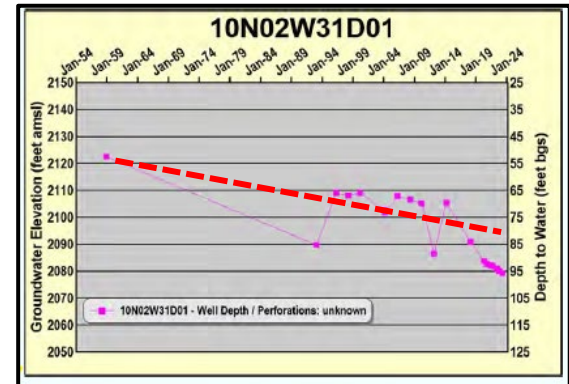
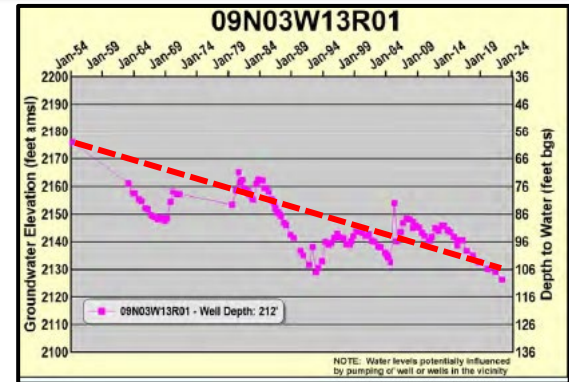
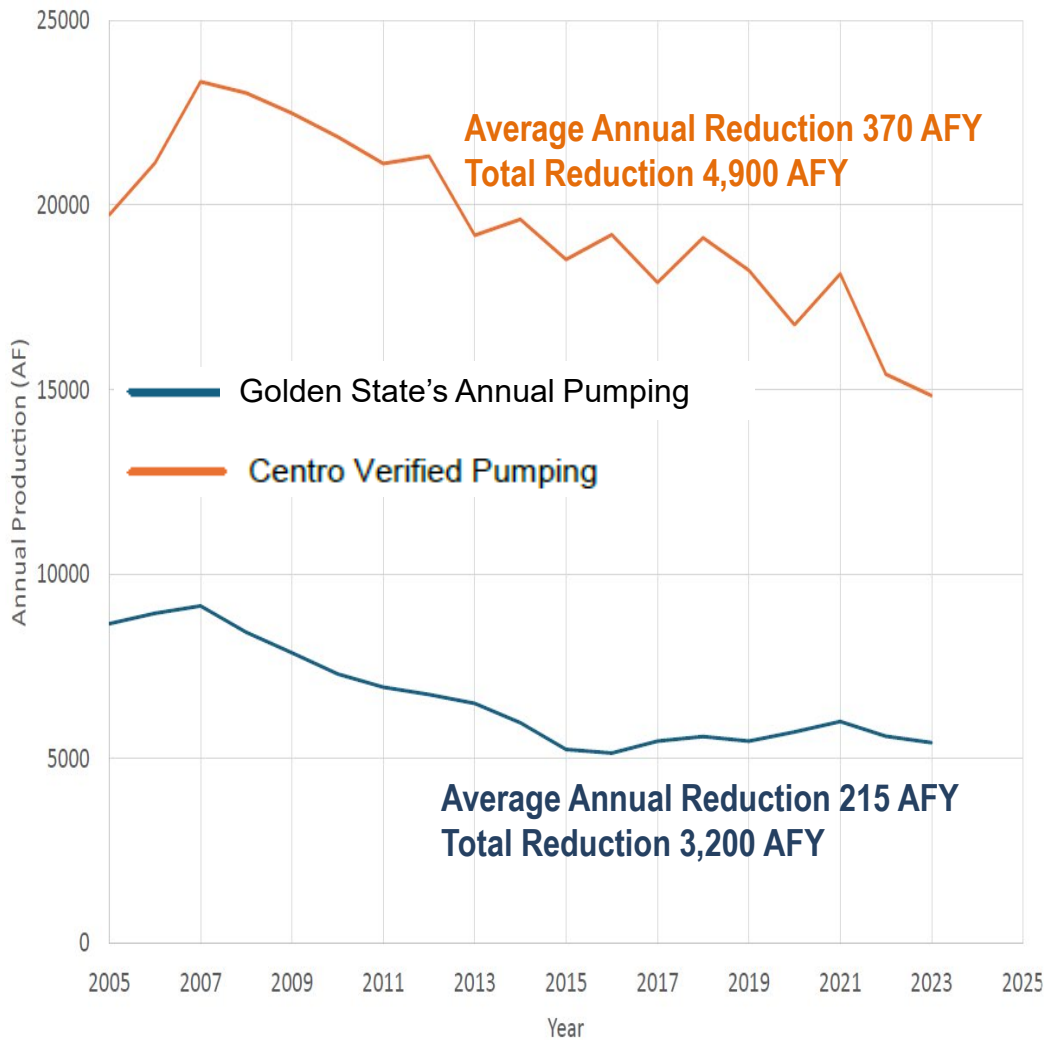


FIGURE 3-19

Operating range based on lowest amount in storage of -30,407af, during which the basin was considered to be healthy, plus a supply of 5 average annual consumptive uses, with an average annual consumptive use equating to 18,428 af from 1996 through present. Surplus Storage and Area of Concern each represent 2 average annual consumptive uses.
Source: Consumptive Use for 1996-2011 per Robert C. Wagner, Watermaster Engineer. Consumptive Use for 2012-2022 based on analysis of individual producers, Robert C. Wagner, Watermaster Engineer, 2023.

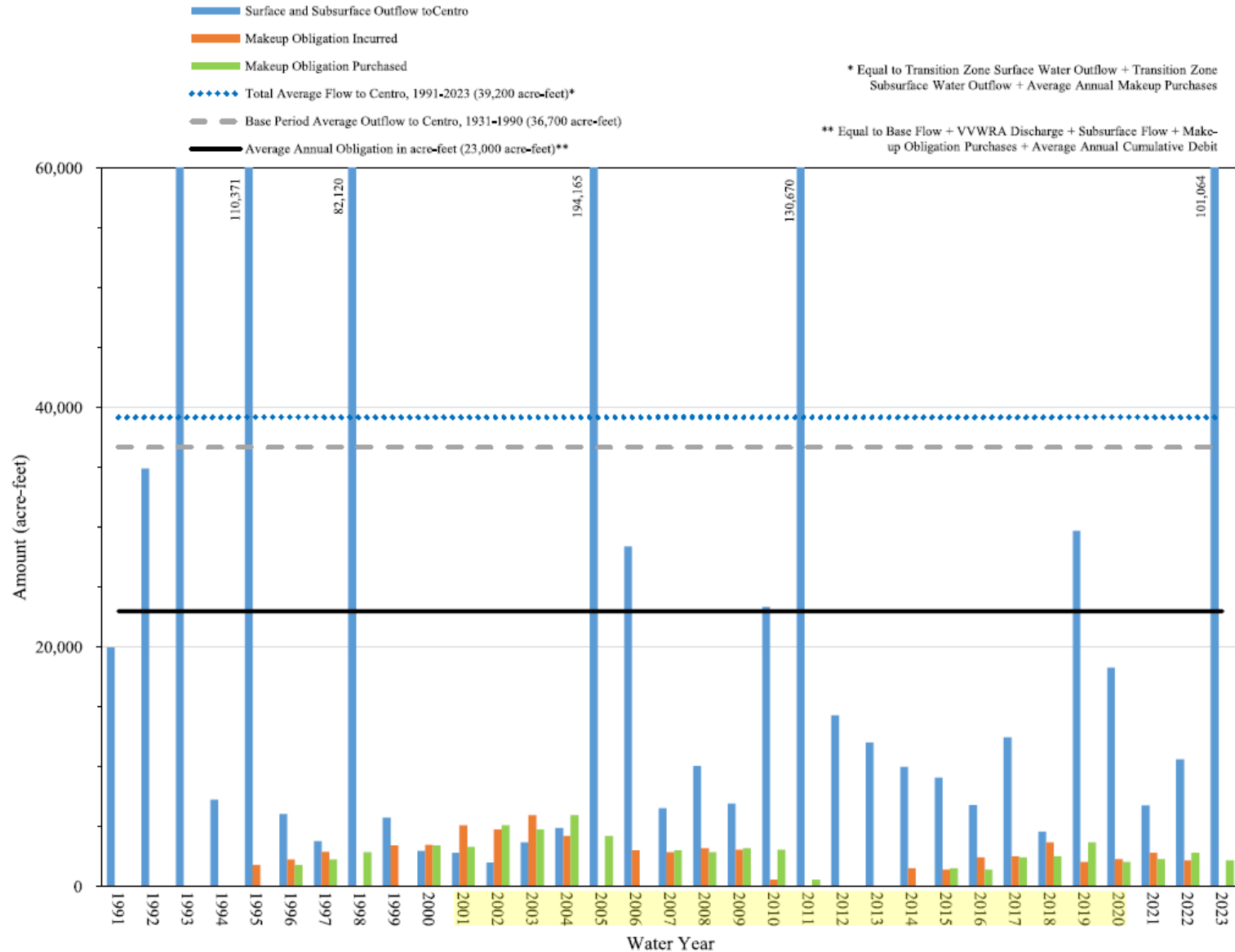
But Production Decreasing & Water Levels Remain Low



From:
 GSWC 0057; Watermaster 2nd Opp., 10/9/24 Wagner Decl., Exh.
 1.B; GSWC 0346

Transition Zone Water Balance

Transition Zone Water Balance



From: GSWC 338 [Watermaster 30th Annual Report Fig. 3-10].

Aquilogic Expert Report

Critique of Water Budget

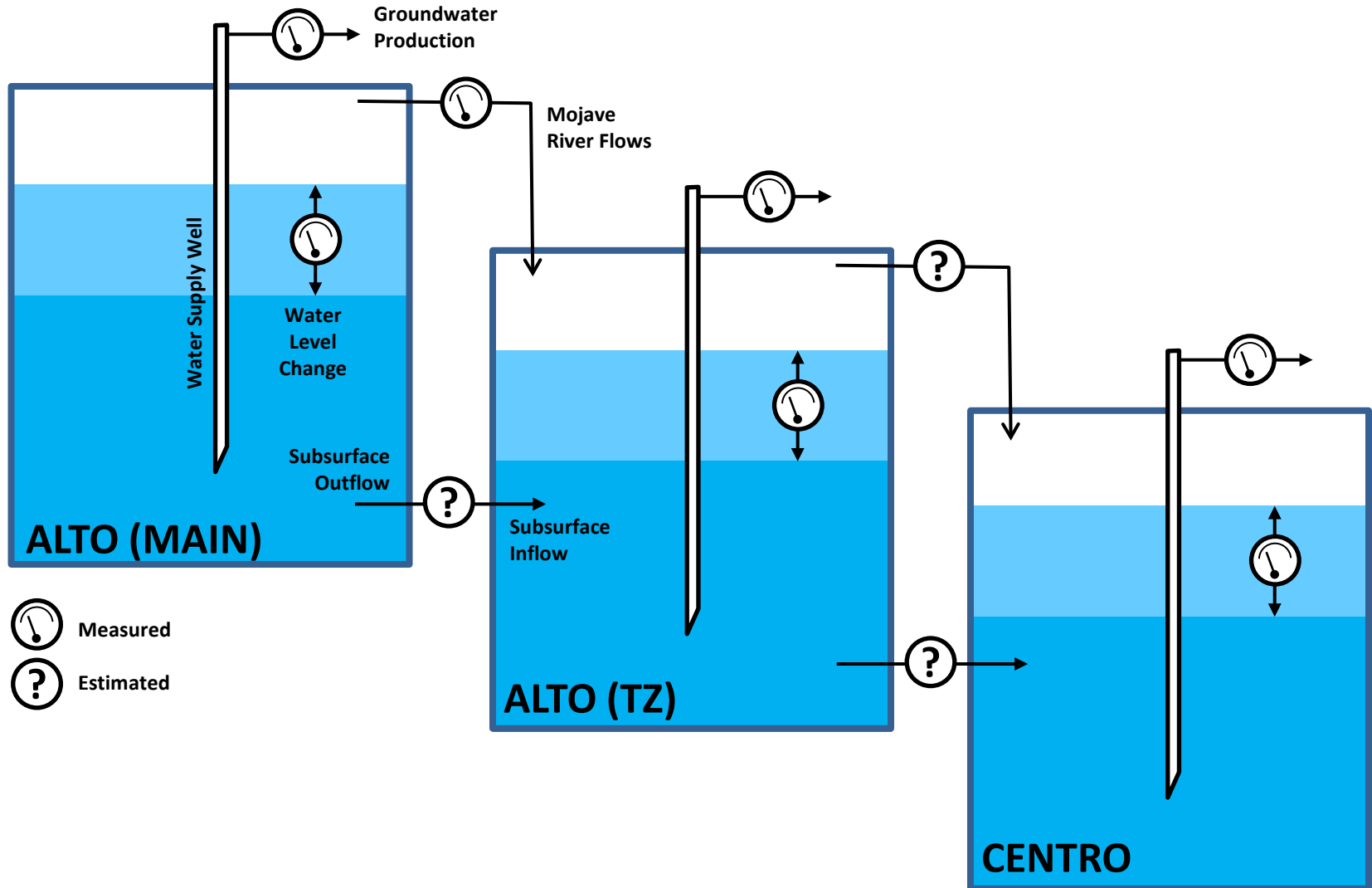
Aquilogic Opinions

1. Production wells operated by Golden State in Centro are experiencing chronic water level declines. In simple terms, considering a conservation of mass, groundwater level declines (i.e., loss of storage) result from excessive discharge (e.g., over-pumping) and/or insufficient recharge (e.g., river seepage).
2. Based on currently available data and analyses performed by aquilogic, the observed chronic water level declines at Golden State's production wells in Centro do not result from over-pumping at the wells.
3. Thus, it is more likely that recharge to Centro from Alto has decreased and contributed to the observed chronic water level declines.

Aquilogic Opinions (continued)

4. There is currently a deficit in the volume of water producers in Alto are obligated under the Judgment to deliver as recharge to Centro.
5. The Watermaster should take actions to better quantify recharge to Centro, notably stream flows in the Mojave River and subsurface flow.
6. The Watermaster should also address recommendations presented below to ensure more effective management of groundwater in the Basin.

Conceptual Water Budgets



The Math Doesn't Add Up

- As noted, groundwater production in the Centro Subarea has been declining since **2007**
 - Average Centro verified production, 2007-2023 = 19,400 AFY
 - Average Golden State Centro production, 2007-2023 = 6,400 AFY
- Watermaster **estimates** inflow to the Centro Subarea averages about 37,000 AFY (surface + subsurface inflow) since 2007
 - However, there are no measurements of water inflow to Centro
- Watermaster: Average “paper” surplus 2001-2020 = 11,540 AFY
 - Includes additional outflows, mostly estimated or assumed by Watermaster
- What is explanation for this **discrepancy**?
- Where is the “surplus” water?
- If there’s no “surplus” water due to drought ('12-'22), why does the Centro Subarea PSY increase?

Watermaster's 2001-2020 Water Budgets

TABLE 5-1 Proposed

HYDROLOGICAL INVENTORY BASED ON VARIOUS SUPPLY ASSUMPTIONS AND 2021-22 CONSUMPTIVE USE, RETURN FLOW AND IMPORTS

(ALL AMOUNTS IN ACRE-FEET)

	ALTO	TRANSITION ZONE	CENTRO
WATER SUPPLY	2001-2020	2001-2020	2001-2020
Surface Water Inflow ¹	61,635	24,808	36,725
Mountain Front Recharge ²	8,511	0	0
Groundwater Discharge to the Transition Zone ³	0	5,112	0
Subsurface Inflow ⁴	0	7,053	2,000
Este/Oeste Inflow ⁵	4,785	62	
Imports ⁶	0	15,095	
TOTAL	74,931	52,130	38,725
CONSUMPTIVE USE AND OUTFLOW			
Surface Water Outflow	36,725 ⁷	36,725 ⁷	7,500 ¹⁴
Barstow Treatment Plant Discharge			2,475
Subsurface Outflow ⁸	2,000	2,000	1,462
Consumptive use ⁹			
Agriculture	949	949	5,863
Urban	40,171	6,456	6,885
Phreatophytes ¹⁰	11,000	6,000	3,000
TOTAL	90,845	52,130	27,185
Surplus / (Deficit) ¹¹	(15,914)		11,540
Total Estimated Production ¹²	78,147		16,995
Potential Return Flow from Surplus	0		2,885
PRODUCTION SAFE YIELD ¹³	62,233		31,420

¹ Average discharge of Mojave River by USGS, 2001-2020 (USGS stations at West Fork Mojave River Near Hesperia, CA (10261000), Deep Creek Near Hesperia, CA (10260500) and Lower Narrows Near Victorville, CA (10261500)).

² Mountain front recharge as developed from Upper Basin Alto Model.

³ Groundwater discharge lost to Transition Zone below the Narrows.

⁴ Portion of water lost to Transition Zone from Alto (Upper Basin Model). Groundwater discharge to Harper Lake (USGS Stamos 2001).

⁵ Subsurface Inflow to Alto from Este and Oeste Subareas (Upper Basin Model).

⁶ Total discharge to Transition Zone from VVWRA, 2021-22 Water Year.

⁷ Estimated based on reported flows at USGS gaging station, Mojave River at Victorville Narrows and 2001-2020

⁸ Groundwater discharge to Baja 1462 AF; 3501 AF groundwater discharge from Barstow area to Harper Lake. (USGS Stamos 2001)

⁹ Includes consumptive use of "Minimals Pool" (estimated Minimals production is 2,104 af).

¹⁰ From USGS Water-Resources Investigation Report 96-4241 "Riparian Vegetation and Its Water Use During 1995 Along the Mojave River, Southern California" 1996. Lines and Bilhorn

¹¹ Amount necessary to offset overdraft under the above assumptions.

¹² Water production for 2021-22. Included in the production values are the estimated minimal producer's water use.

¹³ Imported State Water Project water purchased by MWA is not reflected in the above table.

¹⁴ Reported flows at USGS gaging station, Mojave River at Barstow (10262500).

Watermaster's 2001-2020 TZ Water Budget

Inflows (Water Supply)	Consumptive Uses and Outflow
Surface Water Inflow (Measured at Lower Narrows gage)	Surface Water Outflow (Assumed & Calculated)
Groundwater Discharge to Transition Zone (Assumed)	Subsurface Outflow (Assumed)
Subsurface Inflow (Modeled)	Consumptive Use – Agriculture & Urban (Measured & Estimated)
Este/Oeste Inflow (Modeled)	Phreatophytes (Assumed)
Imports (non-native) (Measured at VVWRA discharge)	---
Total: 52,130 AFY	Total: 52,130 AFY

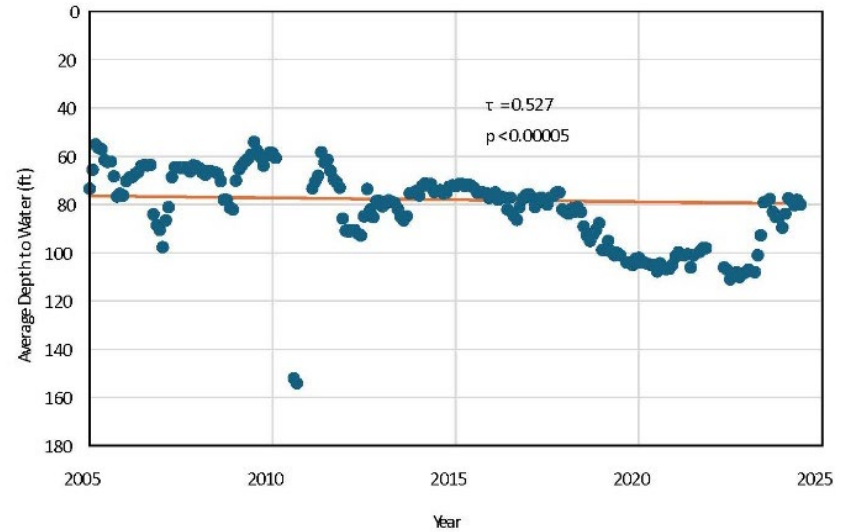
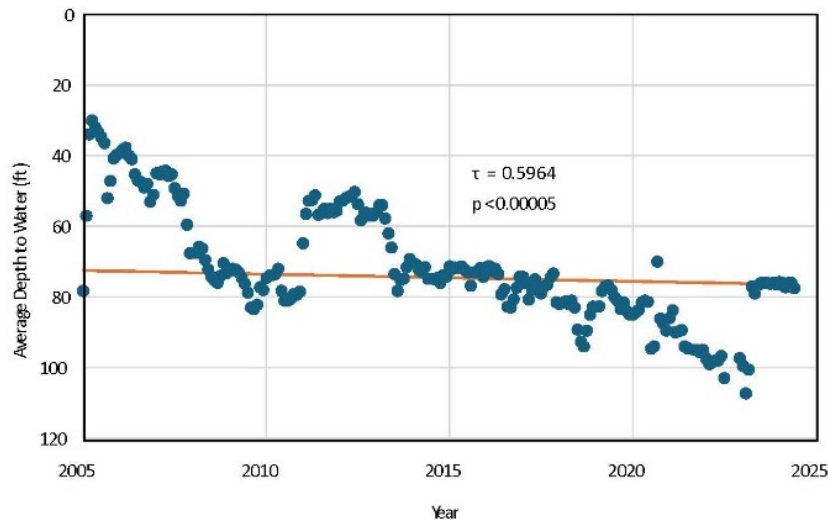
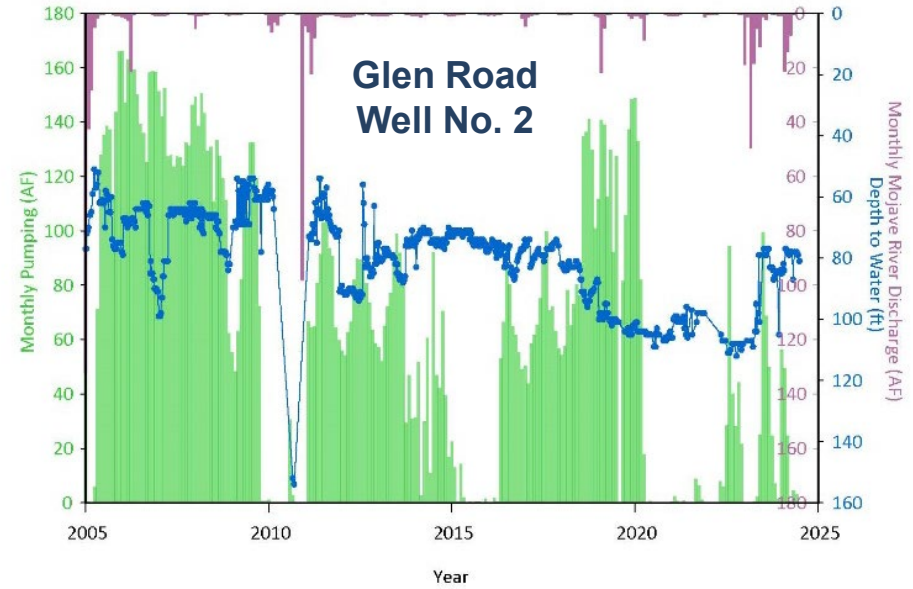
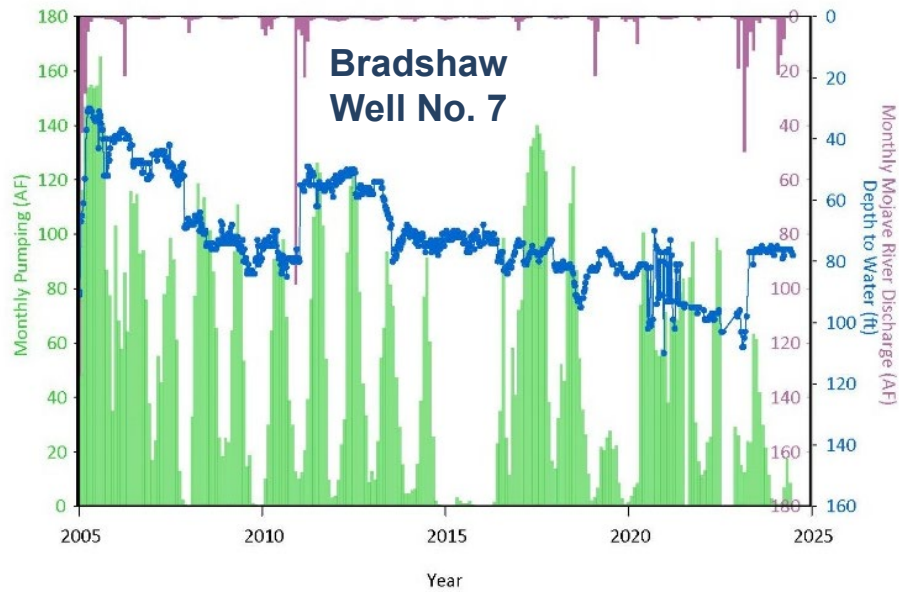
Watermaster's 2001-2020 Centro Water Budget

Inflows (Water Supply)	Consumptive Uses and Outflow
Surface Water Inflow (Assumed)	Surface Water Outflow (Measured & Assumed)
Subsurface Inflow (Assumed)	Barstow Treatment Plant Discharge (Assumed)
---	Subsurface Outflow (Assumed)
---	Consumptive Uses – Agriculture & Urban (Measured & Estimated)
---	Phreatophytes (Assumed)
Total: 38,725 AFY	Total: 27,185 AFY

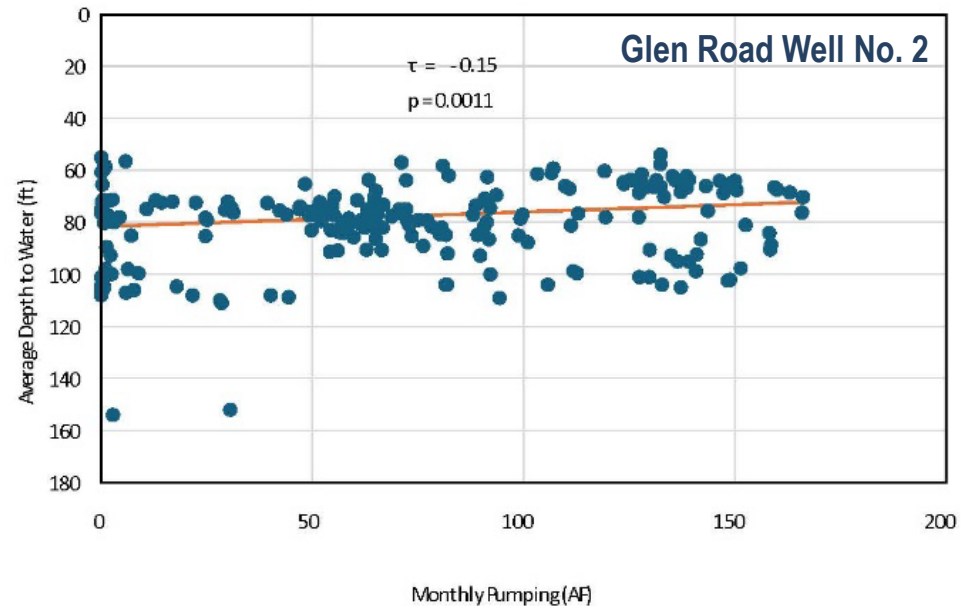
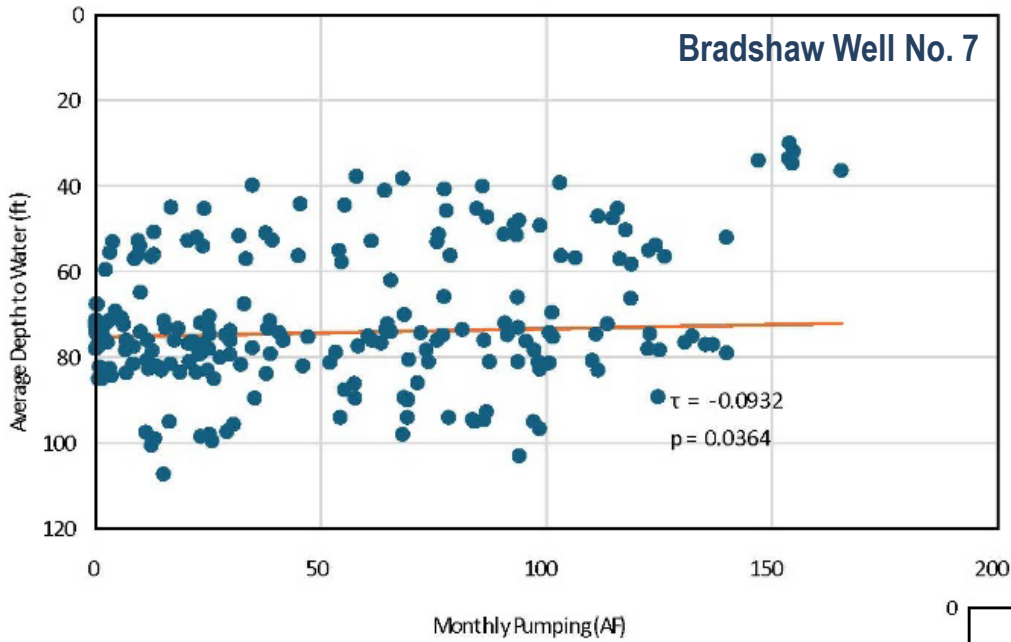
Aquilogic Expert Report

Response to Watermaster

Groundwater Levels Correlations



Depth to Water and Monthly Pumping Correlation



Statistical Correlations: Water Levels vs Time

- Most hydrographs show visually that depth to water (DTW) decrease (i.e., water levels rise) sharply during and following large discharge events (i.e., storms)
 - Two of 17 hydrographs show general decreases after storms
 - One of 17 hydrographs lacks sufficient data
- Most hydrographs show statistically significant DTW increase over time (i.e., water levels fall between 2005-2024)
 - Seven of 17 hydrographs show DTW strongly increases over time
 - Eight of 17 hydrographs show DTW moderately increases over time
 - Two of 17 hydrographs show DTW weakly decreases over time

Statistical Correlations: Water Levels vs Pumping

- Most wells do **not** show statistically significant DTW increase with GSWC pumping
 - Six wells show **no correlation/trend** with pumping
 - Five wells show DTW **decreases** with pumping
 - Only one well shows DTW strongly increasing with pumping
 - Four wells show DTW weakly increasing with pumping; one shows DTW moderately increasing
- For wells that do show statistically significant DTW increase with GSWC pumping
 - Groundwater production is likely a minor component of the observed increases in DTW; increased DTW much more correlated with time
 - Likely that decreased inflow to Centro has contributed to increasing DTW (declining water levels)

Aquilogic Expert Report

Recommendations

Aquilogic Recommendations

1. Watermaster should re-evaluate the water budgets for Alto, the TZ, and Centro
 - a. Consumptive Use by agriculture and phreatophytes
 - b. Storage losses in the TZ
 - c. Subsurface flow between Alto and the TZ and thence to Centro
 - d. Surface water flows between the TZ and Centro
2. Watermaster should update the current UMRB model to include the entire adjudicated area subject to the Judgment, and then use the updated (and calibrated) model to reevaluate water budgets
3. Watermaster should perform additional statistical analyses to correlate groundwater levels in Alto, the TZ, and Centro

Aquilogic Recommendations (continued)

4. Based on results from the above, Watermaster should determine whether Producers in Alto have met, are currently meeting, and will meet their obligations to Centro
5. If Watermaster determines the obligation:
 - a. **Has not been, is not being, and will not be met**, then Watermaster should develop a plan to ensure they are met in the future and then implement such a plan and develop an approach to address past shortfalls in water delivery.
 - b. **Has been, is being, and will be met**, then Watermaster should recommend and implement additional analyses that would evaluate why chronic water levels declines are being observed at Golden State's production wells in Centro.

**GSWC Motion
&
Proposed Order**

Motion

A. Implementation of the Judgment Requires an Accurate PSY Based on the Best Available Data and Sound Science	10
1. PSY is a Critical Component of the Judgment’s Physical Solution.....	10
2. The Judgment Requires Watermaster to Evaluate PSY Based on the Best Available Data and Sound Science.....	13
B. Watermaster’s Water Budget for the 2024 PSY Update Is Insufficient and Likely Overestimates Inflow to the Centro Subarea.....	14
C. The Watermaster Engineers’s Alternate Theory About The Cause Of Falling Water Levels In The Centro Subarea Is Not Supported By The Evidence And Ignores GSWC’s Fundamental Concerns About The Calculation Of PSY For The Transition Zone And Centro Subarea.....	17
D. Watermaster Must Reevaluate its 2024 PSY Update Assumptions to Implement the Judgment	18

Motion does **not** ask the Court to:

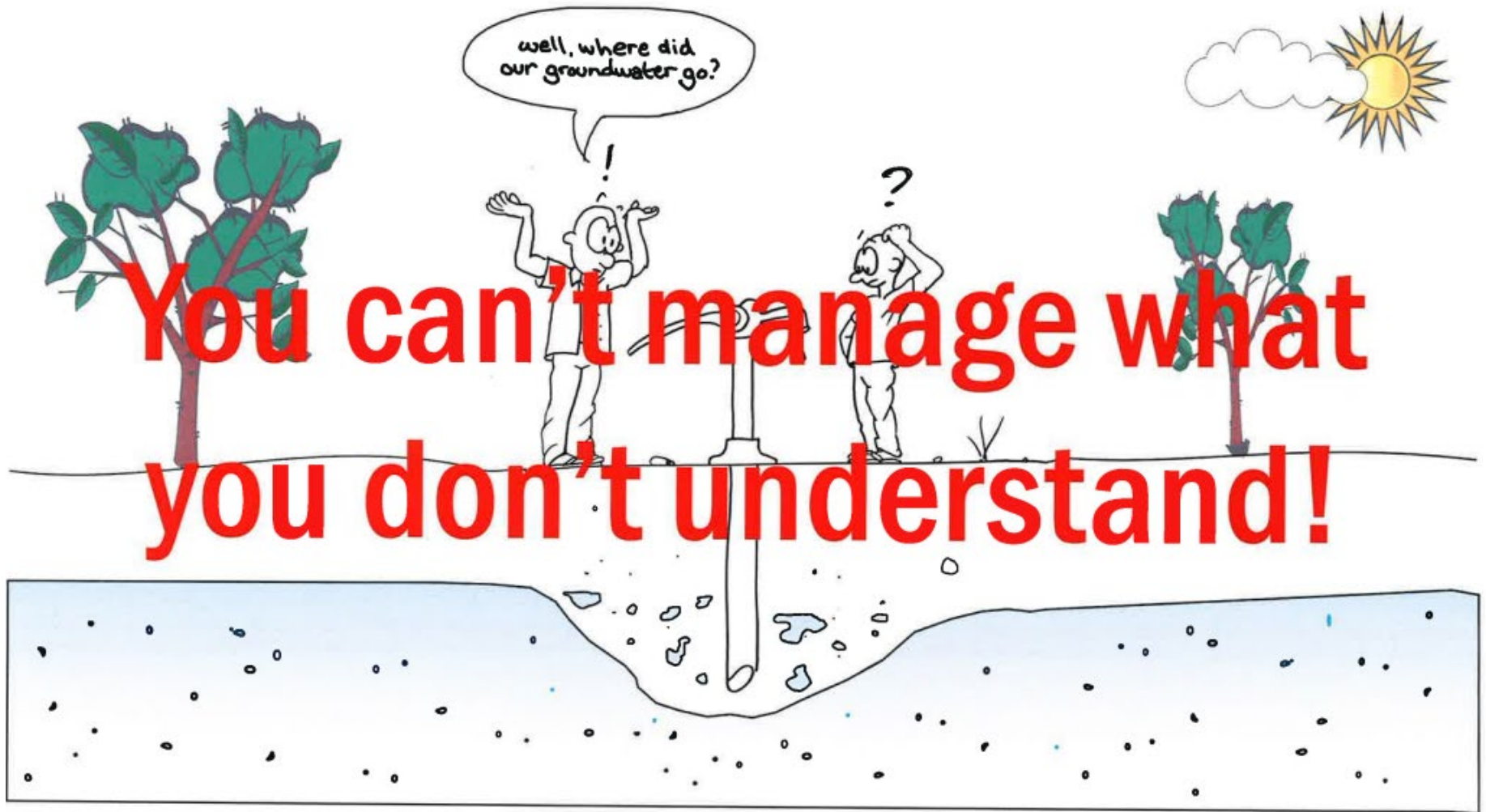
- a. Determine the cause of declining water levels in the Centro Subarea
- b. Find Alto Subarea Obligation has not been met;
- c. Reach a particular outcome during the PSY re-evaluation

Proposed Order

1. The Watermaster shall (a) evaluate the Production Safe Yield (“PSY”) for the Alto Subarea, including the Transition Zone, and the Centro Subarea, including, but not limited to, the calculation of the PSY; the factual investigation on which those calculations are based; and any underlying assumptions inherent in the calculations whether specified in the Judgment or otherwise; and (b) submit to the Court a report containing Watermaster’s findings and calculations as a component of its Thirty-first Annual Report of the Mojave Basin Area Watermaster Water Year 2023–24.

2. In accordance with its obligations in Paragraph 23 of the Judgment, Watermaster shall prepare and submit to the Court a report identifying recommendations and a timeline to improve hydrologic data collection and scientific and engineering estimates for preparation of future updates to PSY and continued implementation of the Judgment, which shall consider the recommendations contained in Section 6.0 of the Expert Report of Anthony Brown, dated September 5, 2024, as a component of its Thirty-second Annual Report of the Mojave Basin Area Watermaster Water Year 2024–25.

Closing



You can't manage what you don't understand!

Thank You

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 October 16, 2024, I served a copy of the following document(s):

DECLARATION OF STEPHANIE OSLER HASTINGS IN SUPPORT OF GOLDEN STATE WATER COMPANY'S 2ND REPLY AND OBJECTIONS TO:

(1) WATERMASTER'S AMENDED OPPOSITION TO [GSWC'S] MOTION TO ENFORCE JUDGMENT; DECLARATION OF ROBERT WAGNER;

(2) HESPERIA'S SUPPLEMENTAL OPPOSITION;

(3) HESPERIA'S JOINDER IN WATERMASTER'S OBJECTIONS; AND

(4) DECLARATION OF PETER LEFFLER DATED OCTOBER 9, 2024



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 and the parties listed on the attached service list

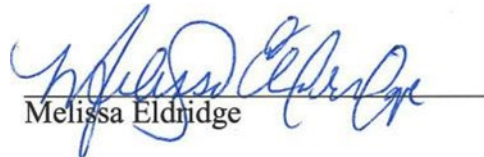
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Mojave Basin Area Watermaster

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 16, 2024, at Santa Barbara, California.


Melissa Eldridge

SERVICE LIST

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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 October 17, 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 2ND REPLY AND OBJECTIONS TO:

- (1) WATERMASTER'S AMENDED OPPOSITION TO [GSWC'S] MOTION TO ENFORCE JUDGMENT; DECLARATION OF ROBERT WAGNER;**
- (2) HESPERIA'S SUPPLEMENTAL OPPOSITION;**
- (3) HESPERIA'S JOINDER IN WATERMASTER'S OBJECTIONS; AND**
- (4) DECLARATION OF PETER LEFFLER DATED OCTOBER 9, 2024**

 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 October 17, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

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Attn: Katherine Hill (Khill9@comcast.net)
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P.O. Box 20001
Bakersfield, CA 93390-0001

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Denver, CO 80202-1348

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1261 S. Lincoln Ave.
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Covina, CA 91722-0432

Attn: Sandra D. Hood
Hood Family Trust
2142 W Paseo Del Mar
San Pedro, CA 90732-4557

Attn: Barry Horton
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47716 Fairview Road
Newberry Springs, CA 92365-9258

Attn: Ester Hubbard
Hubbard, Ester and Mizuno, Arlean
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Newberry Springs, CA 92365-9529

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Attn: Ralph Hunt
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Mojave Basin Area Watermaster Service List as of October 17, 2024

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Jackson, James N. Jr Revocable Living Trust
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Attn: Lawrence Dean
Jackson, Ray Revocable Trust No. 45801
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Attn: Audrey Goller
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Jamboree Housing Corporation (via email)
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Attn: Gary A. Ledford
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Jess Ranch Water Company (via email)
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Attn: Cynthia Mahoney
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Johnson, Paul - Industrial (via email)
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Dammeron Valley, UT 84783-5211

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Johnston, Harriet and Johnston, Lawrence W.
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Hesperia, CA 92340-1472

Attn: Magdalena Jones
(mygoldenbiz9@gmail.com)
Jones Trust dated March 16, 2002 (via email)
35424 Old Woman Springs Road
Lucerne Valley, CA 92356-7237

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

Attn: Lee Logsdon
Juniper Riviera County Water District
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Mojave Basin Area Watermaster Service List as of October 17, 2024

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Lawrence, William W.
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Lee, Doo Hwan
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Attn: Manshan Gan
Lo, et al.
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Lee, et al., Sepoong and Woo Poong
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Mojave Basin Area Watermaster Service List as of October 17, 2024

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Attn: Jodi Howard
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Mojave Basin Area Watermaster Service List as of October 17, 2024

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Lucerne Valley, CA 92356-8261

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9876 Moon River Circle
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Núñez, Luis Segundo
9154 Golden Seal Court
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220 E. Mountain View Street, Suite A
Barstow, CA 92311-2888

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Ohai, Reynolds and Dorothy
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Chino, CA 91710-5149

Attn: Craig Maetzold
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Hemet, CA 92545-2246

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Oro Grande School District
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Mojave Basin Area Watermaster Service List as of October 17, 2024

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Attn: Josie Rios
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Attn: Jafar Rashid
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Attn: Sara Fortuna (sarajfortuna@gmail.com;
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Saba Family Trust dated July 24, 2018 (via
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Mojave Basin Area Watermaster Service List as of October 17, 2024

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