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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 27 2018

L. Freeland

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

12
 13 CITY OF BARSTOW, et al.

14
 15 Plaintiffs,

16
 17 CITY OF ADELANTO, et al.,

18
 19 Defendants.

Case No. CIV 208568

DECLARATION OF KIT CUSTIS IN
SUPPORT OF THE DEPARTMENT OF
FISH AND WILDLIFE'S RESPONSE TO
ORDER SETTING STATUS
CONFERENCE

Date: October 12, 2018
Time: 1:30 p.m.
Dept: 5

20 And All Related Cross Actions
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1 I, Kit Custis, hereby declare:

2 1. I am presently employed by the California Department of Fish and Wildlife (CDFW
3 or Department) and have been employed by the Department for 11 years.

4 2. My current position at the Department is as a retired annuitant with the classification
5 of Senior Engineering Geologist. My current duties with the Engineering Branch of the
6 Ecosystem Conservation Division are to provide hydrogeologic assessments and
7 recommendations to Department. I am providing the following information in support of the
8 CDFW's Response to the Order Setting Status Conference.

9 3. I've provided expert witness testimony on groundwater issues for the Department in
10 State Water Resource Control Board hearings on water rights involving Victor Valley Water
11 Reclamation Authority (Mojave River), North Gualala Water Company (North Fork Gualala
12 River), and El Sur Ranch (Big Sur River). In addition, I have provided reviews of other water
13 rights applications and provided hydrogeologic assessments for the Department on Carmel River,
14 Mammoth Creek, Santa Maria River, Little Shasta River Valley, Garcia River, and Fish Spring
15 Hatchery and Fish Springs Slough in Owens Valley. I have additionally provided Declarations in
16 support of the Department Responses to Watermaster's Motions to Adjust Free Production
17 Allowance for Water Years 2015-16, 2016-17, 2017-18 and 2018-19. I incorporate by reference
18 as though fully set forth herein my prior declarations and all attachments that were filed with the
19 court in this action in support of the Department Responses to prior Rampdown Motions.

20 4. I have a Bachelor's and Master's Degree in Geology from California State University
21 at Northridge. I have additional graduate studies as a PhD student in Hydrological Sciences at the
22 University of California at Davis. I have worked for 40 years as a professional engineering
23 geologist and hydrogeologist. I hold licenses in California as a Registered Professional
24 Geologist, PG 3942, Certified Engineering Geologist, EG 1219, and Certified Hydrogeologist,
25 HG 254. I have worked in consulting and as an employee of the State of California.

26 5. As a State of California employee, I've worked for the State Water Resources Control
27 Board, the Central Valley Regional Water Quality Control Board, the California Geological
28 Survey and the Department. A copy of my curriculum vitae is attached as Exhibit 1. The

1 following facts are true and correct to the best of my belief and if called to testify, I could and
2 would testify completely thereto. Except where otherwise indicated below, I make this
3 declaration on personal knowledge.

4 6. In my opinion, a *first step* toward achieving a water balance in the Baja Subarea,
5 would be to re-evaluate the Baja's Production Safe Yield (PSY), so that there is no surplus or
6 deficit in the calculation of the PSY using the hydrological factors and water budget methodology
7 of Table C-1 of Exhibit C of the Judgment. Second, rampdown of FPA should be continued until
8 production is within 5% of the re-evaluated PSY as required in paragraphs 24(o) of the Judgment
9 and 2(a) of Exhibit H.

10 7. In my opinion, the Judgment requires that the total consumptive use of produced
11 water can't be greater than the long-term net average annual natural water supply to a Subarea,
12 except when supplemental wet water is imported from outside of the Mojave Basin Area
13 (Judgment, p. 6, ¶3:5-13; p. 13, ¶4(11):12-13). The long-term net average annual natural water
14 supply to a Subarea is called the PSY in the Judgment (p. 11, ¶4(aa):11-20).

15 8. The Judgment defines PSY in paragraph 4(aa) as the highest average annual amount
16 of water that can be produced from a Subarea given the following three provisions:

- 17 (1) over a sequence of years that is representative of long-term average annual
18 natural water supply to the Subarea net of long-term average annual natural
19 outflow from the Subarea,
20 (2) under given patterns of Production, applied water, return flows and Consumptive
21 Use, and
22 (3) without resulting in a long-term net reduction of groundwater in storage in the
23 Subarea.

24 9. The Physical Solution of the Judgment requires a number of actions to bring the
25 consumptive uses into balance with the water supplies, including adjusting the producer's
26 Free Production Allowance (FPA) using methods set forth in Exhibit C (Judgment, p. 32-33,
27 ¶24(o)), which includes comparing the FPA to the estimated PSY (Exhibit H, pgs. H-1 and H-2,
28 ¶2(a)).

1 10. The Judgment's accounting method for estimating PSY and adjusting FPA includes
2 the hydrologic factors and calculations given in Table C-1 of Exhibit C (Judgment, Exhibit C, p.
3 C-1, ¶A:6-19). I have attached Tables 5-1 and 5-2 from the Watermaster's Annual Report as
4 Exhibits 2 and 3 to this Declaration.¹ These tables are prepared using the hydrological inventory
5 methodology of Table C-1 of the Judgment. Table 5-1 provides the long-term hydrological
6 inventory for the Baja Subarea at the start of the Judgment, Water Year (WY) 1996-97. Table 5-2
7 provides the hydrological inventory for WY 2016-17.

8 11. The hydrological factors in Tables 5-1 and 5-2 include the natural inflow water
9 supplies, the natural outflows and consumptive uses, production consumptive uses, and any
10 imports or exports of water.

11 12. In order to calculate the PSY as defined by paragraph 4(aa) of the Judgment, the net
12 value of the long-term average annual inflow of natural water supplies minus the sum of the long-
13 term average annual natural outflows and natural consumptive uses must be calculated.

14 13. Natural water supply includes gaged and ungaged surface inflow, subsurface inflow
15 and deep percolation of precipitation. Natural outflows include gaged and ungaged surface
16 outflow, subsurface outflow and phreatophytes

17 14. In addition, the long-term average of any artificial recharge of groundwater imported
18 from outside of the Subarea should also add to the calculation of PSY. Any export of water
19 outside of the Subarea should be subtracted.

20 15. The long-term net average annual natural water supply, a component of PSY, has
21 been re-evaluated by Watermaster in recent years for the Baja Subarea in the annual report as
22 described in Exhibit 3 to my Declaration, Table 5-2, footnotes 2, 4, 5 and 8. The most recent re-
23 evaluation of the long-term net average natural water supply in Baja resulted in an increase from
24 5,500 acre-feet per year (AFY) in WY 1996-97 to 11,428 AFY in WY 2016-17.² I arrived at this

25 _____
26 ¹ Tables 5-1 and 5-2 taken from: TWENTY-FOURTH ANNUAL REPORT OF THE MOJAVE BASIN AREA
27 WATERMASTER WATER YEAR 2016-17, CITY OF BARSTOW, ET AL, VS. CITY OF ADELANTO, ET AL, CASE NO.
28 208568 -- RIVERSIDE COUNTY SUPERIOR COURT, MAY 1, 2018; http://www.mojavewater.org/annual_report.html

² See Table 3-9 in the 2015 Urban Water Management Plan of the Mojave Water Agency, June 6, 2016;
http://www.mywaterplan.com/files/UWMP_Report_Final_Adopted20160609.pdf; attached to this Declaration as Exhibit 4.

1 increased number by comparing the net of the natural water supply and outflow values in Exhibit
2 2, Table 5-1 (15,700 AFY – 10,200 AFY = 5,500 AFY) to those in Exhibit 3, Table 5-2 (19,039
3 AFY – 7,611 AFY = 11,428 AFY). This increase in PSY is significant because it provided an
4 increase in the amount of groundwater production available for the Baja Subarea.

5 16. A table of long-term net average natural water supplies for the Mojave Basin
6 Subareas taken from Table 3-9 in the 2015 Urban Management Plan of the Mojave Water Agency
7 is attached to this Declaration as Exhibit 4. The estimated reliable water supply for the Baja
8 Subarea in normal and dry water years is the same value as in Table 5-2, 11,428 AFY.

9 17. Once the long-term net average annual natural water supply is determined, the second
10 component in the calculation of PSY is determining the consumptive use of groundwater
11 production in a Subarea. An accurate estimate of consumptive use is critical because any
12 groundwater production that isn't consumed is assumed to return to the groundwater basin (return
13 flow), thereby reducing the potential negative effects of overproduction on the amount of
14 groundwater storage in the Subarea.

15 18. A recent 2016 update of the consumptive uses for all water uses in the Baja Subarea
16 was presented in a February 22, 2017 presentation by the Watermaster Engineer, R.C. Wagner,
17 attached to this Declaration as Exhibit 5. The 2016 estimate of overall Baja Subarea average
18 consumptive use is 85.4% (0.854) of production. A complete copy of the February 22, 2017
19 presentation is attached to my 2017 Declaration as Exhibit 13a and incorporated herein by this
20 reference.

21 19. The consumptive use value of 85.4% is greater than the approximate 65% average
22 consumption for agriculture and urban uses assumed by the Watermaster in Tables 5-1 or 5-2 (for
23 Table 5-2: $(12,100 \text{ AFY} + 4,800 \text{ AFY}) / 25,919 \text{ AFY} = 0.652$ or 65.2%). The use of a reduced
24 consumptive use value results in an underestimate of the outflow, and thereby an overestimate of
25 the net available water supply. *Therefore, any re-evaluation of PSY must utilize the most up to*
26 *date estimates of consumptive use and return flow to obtain the best current estimate of the value*
27 *of PSY.*

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1 20. When groundwater production is equal to the value of PSY, there should be no long-
2 term surplus or deficit calculated using the Judgment Table C-1 methodology. In other words, the
3 groundwater production should equal the long-term net average annual water supply.

4 21. This is not the case in the current Tables 5-1 and 5-2. In both tables a deficit is
5 calculated. For example, in Table 5-2, WY 2016-17, the deficit is 5,458 AFY when the
6 production in the Baja Subarea was 25,919 AFY.

7 22. The objective of the Physical Solution and the hydrological inventory methodology of
8 Table 5-2 imply that if production in the Baja Subarea is ramped down to within 5% of PSY there
9 would be no significant water budget deficit. Unfortunately, the current Baja Subarea estimate of
10 PSY of 20,679 AFY (Chapter 5 in the WY 2016-17 Watermaster's 24th Annual Report) will still
11 result in a water budget deficit.

12 23. If the goal of the Physical Solution is to balance groundwater production with the
13 long-term net average natural water supply, then the water budget deficit with the current Baja
14 Subarea estimated PSY needs to be eliminated. This requires importation of water to recharge the
15 subarea at a volume equal to or greater than the calculated deficit.

16 24. I've re-calculated the PSY value for the Baja Subarea by assuming the current
17 average consumptive use value of 85.4% as shown in my Exhibit 5, and the updated long-term
18 net average annual natural water supply values of 11,428 AFY as shown in my Exhibit 4.

19 25. I found that without importation of wet water for recharge the re-calculated PSY
20 value is approximately 13,380 AFY, rather than the prior estimate of 20, 679 AFY.

21 26. My re-calculation of PSY is as follows:

- 22 a. the 85.4% consumption yields a return flow of approximately 1,952 AFY on an
23 annual production of 13,380 AFY;
- 24 b. the sum of the return flow and long-term net average annual natural water supply
25 would be approximately 13,380 AFY (1,952 AFY + 11,428 AFY = 13,380 AFY).

26 27. In my opinion, rampdown of FPA should continue in the Baja Subarea until
27 production is within 5% of the re-evaluated PSY as required by paragraph 24(o) of the Judgment
28 in order to help stabilize groundwater levels.

1 28. A continuation of FPA rampdown to a lower PSY would also have the benefit of
2 using up carryover at a faster rate than currently anticipated assuming that production continues at
3 the current rate. The anticipated duration of carryover should be re-estimated once the PSY is
4 recalculated.

5 29. In conclusion, it is my opinion that in order to begin to stabilize groundwater levels in
6 the Baja Subarea:

- 7 a. the estimates of consumptive use and the long-term net average natural water
8 supply in Baja should be updated by the Watermaster;
- 9 b. a re-evaluation of the PSY in the Baja Subarea should be done using the most
10 recent estimates of consumptive use, and long-term net average annual natural
11 water supply;
- 12 c. the re-evaluation of PSY should use the methodology in Judgment Table C-1 to
13 re-calculate the balance between water supplies, and water consumptive uses
14 and outflows, so that there is neither a surplus nor deficit;
- 15 d. the re-calculated balance in the Table C-1 water budget will likely result in the
16 the estimated PSY being lower than the current value of 20,679 AFY;
- 17 e. rampdown in the Baja Subarea should continue until FPA is reduced to the re-
18 calculated PSY as required in Judgment paragraph 24(o) and paragraph 2(a) in
19 Exhibit H;

20 30. It is also my opinion that in order to begin to stabilize groundwater levels in the Baja
21 Subarea, the Watermaster should investigate benefits, methods, and costs of bringing
22 in wet water for the purpose of recharging the Baja groundwater basin.

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

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26 Dated: September 26, 2018



Kit Custis, Declarant

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List of Exhibits

Exh.1: Curriculum vitae of Kit Custis

Exh. 2: Table 5-1 – Subarea Hydrological Inventory Based on Long Term Average Natural Water Supply and Outflow and 1996-97 Imports and Consumptive Use, from WY 2016-17 24th Watermaster Annual Report

Exh. 3: Table 5-2 – Subarea Hydrological Inventory Based on Long Term Average Natural Water Supply and Outflow and 2016-17 Imports and Consumptive Use, from WY 2016-17 24th Watermaster Annual Report

Exh. 4: Table 3-9 – Mojave Basin Area Groundwater Basin Supply Reliability, from 2015 Mojave Water Agency Urban Water Management Plan

Exh. 5: Figure – Baja Subarea 2016 Consumptive Use Update, from February 22, 2017 Watermaster Engineer R.C. Wagner Presentation

EXHIBIT 1

Kit H. Custis Engineering Geologist, Hydrogeologist

Kit Custis, CEG/CHG
P.O. Box 337
Fair Oaks, CA 95628

Education

B.S., Geology, 1977, California State University, Northridge, California
M.S., Geology, 1984, California State University, Northridge, California
Ph.D. program in Hydrologic Sciences, 1990-1997, University of California, Davis

Professional Licenses

California Professional Geologist, PG #3942
California Certified Engineering Geologist, CEG #1219
California Certified Hydrogeologist, CHG #254
Oregon Registered Geologist, G1099
Oregon Certified Engineering Geologist, E1099

Professional Experience Summary

2007- present Engineering Geology-Hydrogeology Consultant
2007- present Senior Engineering Geologist, CA Dept. of Fish and Wildlife, retired annuitant (DFW)
2008- present Engineering Geologist and Hydrogeologist, part-time, Michael Baker International (formerly PMC), Rancho Cordova, CA
2004-2006, Senior Engineering Geologist (Specialist), DOC-Office of Mine Reclamation (OMR)
1999-2004, Senior Engineering Geologist (Specialist), DOC-California Geological Survey (CGS)
1998, Engineering Geologist, Central Valley Regional Water Quality Control Board, Sacramento
1989-1998, Engineering Geologist, California Department of Conservation (DOC)
1988-1989, Engineering Geologist, Luhdorff and Scalmanini, Woodland, CA
1988, Hydrogeologist, Herzog Associates, Sacramento, CA
1984-1988, Sr. Engin. Geologist (Supervisory), California State Water Resources Control Board
1981-1983, Consulting Geologist, Los Angeles, CA
1980-1981, Engineering Geologist, Ertec Western, Inc., Long Beach, CA
1977-1979, Engineering Geologist, Foundation Engineering Co., Tarzana, CA

Professional Experience

Forty years experience in engineering geology and hydrology, including ground water and surface water impacts, subterranean stream flow, ground water contamination, water resources, water rights, storm water pollution, fluvial studies of watersheds, mine reclamation, acid mine drainage, evaluation of slope stability, landslide hazards, seismic hazards, soil erosion, geophysical surveys. Work experience in both private consulting and government.

Projects included:

- California Department of Fish and Wildlife, working part-time as a retired annuitant on ground water issues related to water rights and 1600 permitting in California. Current and past projects include: Big Sur River, Mojave River, Carmel River, Mammoth Creek, North Gualala River, Santa Maria River, Little Lake Valley, Shasta River, Estrella River, Salinas River, and various desert solar projects. Advised DFW staff on instream mine permitting for the Viborg Estrella River mine, Pankey Salinas River mine, Pehl Salinas River mine. Testified before San Luis Obispo Planning Commission and Board of Supervisors on Estrella and Pehl mines. Advise DFW staff at Fish Springs Hatchery in Owens Valley on ground water development and pumping impacts. Advise DFW regions on ground water contaminant issues related to property acquisitions for wildlife preserves. Testified for DFW at State Water Resource Control Board Water Rights hearings on Victor Valley Water Reclamation Authority's (VWRA) Mojave River diversion permit, the California Energy Commission on impacts to the Mojave River Transition Zone from diversion of VWRA recycled water to High Desert Power Project, North Gualala Water Company subterranean stream channel determination on the North Gualala River, and El Sur Ranch subterranean stream water rights on the Big Sur River. Provided declarations in support of the Department of Fish and Wildlife's response to Mojave River Basin Watermaster's Motions to Adjust Free Production Allowance for Water Years 2015-16, 2016-17 and 2017-18.
- Work part-time for MBI (formerly PMC) on mine reclamation and geologic elements of CEQA documents. Projects included conducting annual SMARA inspections and FACE reviews for Santa Clara and Siskiyou Counties. CEQA preparation of Coldstream Specific Plan, Town of Truckee, California, for development of 178+ acre previous aggregate mining site; Omya Limestone mine, Lucerne Valley, CEQA preparation for a revised reclamation plan; Holtville Reclamation Plan for the County of Imperial.
- Stephen G. Muir, Consulting Geologist and Geophysicist, provide consultant services on ground water contamination investigations and cleanups, storm water permits, risk assessments, and regulatory compliance. Various projects throughout the San Joaquin Valley.
- California Department of Conservation, Office of Mine Reclamation, served 10 years in OMR providing technical expertise to Local Agencies and the SMGB on stability of mine slopes and hydrology on mines throughout California. Provided technical training to lead agencies on mine slope stability assessment methods and regulatory requirements. Provided expert testimony at County Planning Commissions, County Board of Supervisors, and State Mining and Geology Board.
- California Geological Survey formerly Division of Mines and Geology, conducted engineering geology studies and regulatory reviews for projects throughout California. Work included evaluation of geologic and seismic hazards studies for hospitals and school sites, general plans and seismic safety elements. Senior technical lead on fluvial

geomorphic studies in the north coast of California as part of the multi-agency North Coast Watershed Assessment Program. Prepared a report for the U.S. Environmental Protection Agency on the application of geophysical methods to acid mine drainage investigations. Prepared a remediation plan to abate acid mine drainage from the abandoned Spenceville copper mine for the DFG. Lectured at the DFG's Watershed Academy on landslide and fluvial issues related to protection of waterways including bank stability and channel restoration methods.

- California Department of Parks and Recreation, Off-Highway Vehicle Division, while at CGS provided geotechnical expertise on erosion and sedimentation controls for trails and staging areas including assessment of storm water control measures.
- Herzog Associates, Sacramento, as staff geologist conducted geotechnical studies for slope stability and landslide potential at hillside home sites in Napa Valley, Phase I site assessments for property transfers and ground water resource assessments.
- Luhdorff and Scalmanini, Woodland, as staff hydrogeologist conducted hydrogeologic evaluations of ground water resources and potential for ground water contamination, water well design, oversight of Sacramento Area Water Works Association groundwater monitoring program, and development and design of data base and computer mapping applications.
- California State Water Resources Control Board and Central Valley Regional Water Quality Control Board, as a Senior Engineering Geologist developed a statewide ground water pollution management program, the AB1803 Follow-Up Program, which conducted investigations to find sources of known pollution of public drinking-water wells. As program director provided technical guidance for over fifty professional staff at the State and Regional Water Boards. At the Central Valley Regional Board case officer on 30 contaminated soil and groundwater site cleanups, prepared Waste Discharge Requirements and National Pollutant Discharge Elimination System permits, Monitoring and Reporting Programs and Cleanup and Abatement Orders.
- Earth Western, Long Beach, as staff engineering geologist conducted field mapping and site investigations for geologic and soils engineering studies in California, Arizona and Nevada. Projects include seismic and geologic hazard studies of major dams in Arizona, project geologist at Palos Verde Nuclear Project, MX missile project verification and aggregate resource studies in Nevada and Utah, and site geologist for hillside grading for Mission Viejo developments.
- Foundation Engineering, Inc., Tarzana, as staff engineering geologist conducted field mapping, subsurface investigations for geologic and soils engineering studies in the greater Los Angeles area. Projects included geotechnical studies for hillside home and tract development, assessment of slope stability and rock fall hazards, and Alquist-Priolo seismic safety studies.

Professional Affiliations

National Ground Water Association, Member
Association of Engineering Geologist, Member
American Society of Civil Engineers, Associate Member
California Groundwater Association, Member
American Geophysical Union, Member
Geological Society of America, Member

Papers and Publications

Custis, K., 2005-06, Slope Stability for Mined Lands, presentation as part of the Department of Conservation, Office of Mine Reclamation's Workshops for lead agency and mine operator staff on Preparation and Review of Reclamation Plans.

Fuller, M.S., Curless, J.M., Custis, K., and Purcell, M.G., 2004, Maps and GIS data for the Albion River Watershed, Mendocino County, California, Watershed Mapping Series, Map Set 8 CGS CD 2004-03 MAPS.

M.S. Fuller, W.D. Haydon, M.G. Purcell and K. Custis, 2002, GIS Data and Geologic Report for the Watershed Mapping Series, Map Set 5, Gualala River Watershed, Sonoma and Mendocino Counties, California, CGS CD 2002-08 MAPS.

Custis, Kit H., 2001, Digital Elevation Models: Uses and Challenges, in Managing California's Groundwater: *in* The Challenges of Quality and Quantity, 23rd Biennial Groundwater Conference and 10th Annual Meeting of the Groundwater Resources Association of California October 30-31, 2001, Radisson Hotel, Sacramento, California.

Custis, K, 1997, Seminar on Slope Stability Methods for Mined Lands, seminar for lead agency and OMR staff, Department of Conservation, Office of Mine Reclamation.

D.B. Levy, K.H. Custis, W.H. Casey and P.A. Rock, 1995, Geochemistry and physical limnology of an acidic pit lake, in Tailings and Mine Waste '96, A.A. Balkema, Rotterdam, pages 479-489.

D.B. Levy, K.H. Custis, W.H. Casey and P.A. Rock, 1997a, The Aqueous Geochemistry of the Abandoned Spenceville Copper Pit, Nevada County, California, Journal of Environmental Quality, Vol. 26, no. 1, January-February 1997, pages 233-243.

D.B. Levy, K.H. Custis, W.H. Casey and P.A. Rock, 1997, A comparison of metal attenuation in mine residue and overburden material from an abandoned copper mine, Applied Geochemistry, Vol. 12, No. 2, March 1997, pages 203-211.

Custis, Kit, 1994, Application of geophysics to acid mine drainage investigations, volume I — literature review and theoretical background, California Department of Conservation, Office of Mine Reclamation, 801 K Street, Sacramento, CA, 100p.

Custis, Kit, 1994, Application of geophysics to acid mine drainage investigations, volume II — site investigations, California Department of Conservation, Office of Mine Reclamation, 801 K Street, Sacramento, CA, 100p.

Custis, Kit, 1984, Geology and dike swarms of the Homer Mountain area, San Bernardino County, California, unpublished MS Thesis, 168 pp.

Carlisle, D., Agyakawa, Y.N., and Custis, K., 1982, Hydrothermal Mineralization and Intermineral Intrusives Associated with Transverse Fractures in the Eastern Mojave, Desert, San Bernardino County, California, *in* Geology and Mineral Wealth of the California Transverse Ranges, South Coast Geological Society, pages 350-353.

Awards

State Mining and Geology Board, 2006, Recognition of Distinguished Service to the Office of Mine Reclamation.

Governor's Environmental and Leadership Award, 2002, Watershed Management, Spenceville Wildlife Area and Mine Reclamation, Nevada County, received along with DFG and DOC team members and Walker and Associates consultants, project consultant.

Department of Fish and Game, Director's Achievement Award, 2002, for Cleanup and Closure of Spenceville Mine Site.

EXHIBIT 2

Exhibit 2

TABLE 5-1

**SUBAREA HYDROLOGICAL INVENTORY BASED ON
LONG TERM AVERAGE NATURAL WATER SUPPLY AND OUTFLOW
AND 1996-97 IMPORTS AND CONSUMPTIVE USE**

(ALL AMOUNTS IN ACRE-FEET)

WATER SUPPLY	<u>Este</u>	<u>Oeste</u>	<u>Alto</u>	<u>Centro</u>	<u>Baja</u>	<u>Basin Totals</u>
Surface Water Inflow						
Gaged	0	0	65,500	0	0	65,500
Ungaged	1,700	1,500	3,600	34,700 ¹	14,400 ²	7,200 ³
Subsurface Inflow	0	0	1,175	2,000	1,200	0 ⁴
Deep Percolation of Precipitation	0	0	3,500	0	100	3,600
Imports						
Lake Arrowhead CSD	0	0	1,620	0	0	1,620
Big Bear Area RWA	2,630	0	0	0	0	2,630
TOTAL	4,330	1,500	75,395	36,700	15,700	80,550
CONSUMPTIVE USE AND OUTFLOW						
Surface Water Outflow						
Gaged	0	0	0	0	8,200	8,200
Ungaged	0	0	34,700 ¹	14,000 ⁵	0	0
Subsurface Outflow	825	350	2,000	1,200	0	0
Consumptive use						
Agriculture	3,900	2,300	7,900	13,000	20,800	47,900
Urban ⁶	2,200	1,300	40,700	8,500	7,900	60,600
Phreatophytes	0	0	11,000	3,000	2,000	16,000 ⁷
Exports	0	0	0	0	0	0
TOTAL	6,925	3,950	96,300	39,700	38,900	132,700
Surplus / (Deficit)	(2,595)	(2,450)	(20,905)	(3,000)	(23,200)	(52,150)
Total Estimated Production (Current Year) ⁸	9,751	6,502	90,767	36,375	43,879	187,274
PRODUCTION SAFE YIELD (Current Year)⁹	7,156	4,052	69,862	33,375	20,679	135,124

¹ Estimated from reported flows at USGS gaging station, Mojave River at Victorville Narrows.

² Includes 14,000 acre-feet of Mojave River surface flow across the Waterman Fault estimated from reported flows at USGS gaging station, Mojave River at Barstow, and 400 acre-feet of local surface inflow from Kane Wash and Boom Creek.

³ Represents the sum of Este (1,700 ac.ft.), Oeste (1,500 ac.ft.), Alto (3,600 ac.ft.) and Baja (400 ac.ft. from Kane Wash and Boom Creek).

⁴ Inter subarea subsurface flows do not accrue to the total basin water supply.

⁵ From reported flows at USGS gaging station, Mojave River at Barstow.

⁶ Includes consumptive use of "Minimals Pool".

⁷ From USGS Water-Resources Investigation Report 96-4241 "Riparian Vegetation and Its Water Use During 1995 Along the Mojave River, Southern California" 1996.

⁸ Based on data in "Fourth Annual Report of the Mojave Basin Area Watermaster, Water Year 1996-97" April 1, 1998.

Included in the production values are the estimated minimal producer's water use by Subarea.

⁹ For 1996-97 Water Year. Imported State Water Project water purchased by MWA (4,501 acre-feet) is not reflected in the above table.

EXHIBIT 3

TABLE 5-2

**SUBAREA HYDROLOGICAL INVENTORY BASED ON
LONG TERM AVERAGE NATURAL WATER SUPPLY AND OUTFLOW
AND 2016-17 IMPORTS AND CONSUMPTIVE USE
(ALL AMOUNTS IN ACRE-FEET)**

WATER SUPPLY	<u>Este</u>	<u>Oeste</u>	<u>Alto</u>	<u>Centro</u>	<u>Baja</u>	<u>Basin Totals</u>
Surface Water Inflow						
Gaged	0	0	65,500	0	0	65,500
Ungaged	1,700	1,500	3,600	34,700 ¹	17,153 ²	7,547 ³
Other Ungaged	0	0	0	0	205 ⁴	205
Subsurface Inflow	0	0	1,000	2,000	1,581 ⁵	0 ⁶
Deep Percolation of Precipitation	0	0	3,500	0	100	3,600
Imports						
Replacement Water Deliveries	0	0	8	13	14	35
Water Storage Accounts ⁷	0	0	295	0	0	295
Lake Arrowhead CSD	0	0	1,062	0	0	1,062
Big Bear Area RWA	2,711	0	0	0	0	2,711
TOTAL	4,411	1,500	74,965	36,713	19,053	80,955
CONSUMPTIVE USE AND OUTFLOW						
Surface Water Outflow						
Gaged	0	0	0	0	5,611 ⁸	5,611
Ungaged	0	0	34,700 ¹	16,406 ⁹	0	0
Subsurface Outflow	200	800	2,000	1,581	0	0
Consumptive use						
Agriculture	3,000	700	500	5,400	12,100	21,700
Urban ¹⁰	1,600	1,100	38,800	5,900	4,800	52,200
Phreatophytes	0	0	11,000	3,000	2,000	16,000 ¹¹
Exports	0	0	0	0	0	0
TOTAL	4,800	2,600	87,000	32,287	24,511	95,511
Surplus / (Deficit)	(389)	(1,100)	(12,035)	4,426	(5,458)	(14,556)
Total Estimated Production (Current Year) ¹²	5,187	3,432	73,548	19,458	25,919	127,544
PRODUCTION SAFE YIELD (Current Year)¹³	4,798	2,332	61,513	23,884	20,461	112,988

1 Estimated from reported flows at USGS gaging station, Mojave River at Victorville Narrows.

2 Estimated from reported flows at USGS gaging station, Mojave River at Barstow. Includes 16,406 af of Mojave River surface flow across the Waterman Fault estimated by "Evaluations of Potential Mojave River Recharge Losses between Barstow and Waterman Fault", Wagner & Bonsignore, 2012 (see Appendix A, Table 6), and 747 af of local surface inflow from Kane Wash and Boom Creek.

3 Represents the sum of Este (1,700 af), Oeste (1,500 af), Alto (3,600 af) and Baja (747 af from Kane Wash and Boom Creek).

4 Estimated contribution from washes (Wagner, 2011).

5 USGS Stamos 2001.

6 Inter subarea subsurface flows do not accrue to the total basin water supply.

7 Water that was pre-purchased under the MWA Claim Program.

8 Based on stormflow at Afton for water years 1931, 1953-78, 1981-1990 (from USGS) 1979-1980 estimated by Hanson Engineering 1992 plus base flow of 137 af (Watermaster 2010).

9 Estimated from reported flows at USGS gaging station, Mojave River at Barstow (see note #2 above).

10 Includes consumptive use of "Minimals Pool" (estimated Minimal's production is 7,077 af).

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

12 Based on Water Production Data for the 2016-17 Water Year. Included in the production values are the estimated minimal producer's water use by Subarea. Total Basin Agriculture is 33,025 af and Total Basin Urban is 94,379 af (includes sequential uses by Jess Ranch of 1,163 af).

13 For 2016-17 Water Year. Imported State Water Project water purchased by MWA is not reflected in the above table.

EXHIBIT 4

Exhibit 4

Table 3-9 summarizes the long term average net natural water supply estimates for each of the Subareas that comprise the Mojave Basin Area. The long term supply to each Subarea, and the Basin Area as a whole, is assumed to be available in all year types, normal, single dry year and multiple dry year. A premise of the Judgment is that all demands are met. The Judgment requires that any deficit in any year, must be purchased and recharged the following year. During dry periods water will be depleted from groundwater storage (as measured against the long term average) and replaced into storage during wet periods. Annual Deficits in each Subarea are to be resolved by importation of SWP imports.

Table 3-9: Mojave Basin Area Groundwater Basin Supply Reliability

Anticipated Supply	Normal Year ^(a) (AFY)	Single-Dry Water Year (AFY)	Multiple Dry Water Year (AFY)
Subareas			
Alto	25,900	25,900	25,900
Baja	11,428	11,428	11,428
Centro	15,713	15,713	15,713
Este	1,500	1,500	1,500
Oeste	700	700	700
Total	55,241	55,241	55,241

Note:

- (a) Water supply balance in Table 5-2 from the Twenty-second Annual Report of the Mojave Basin Area Watermaster, Water Year 2014-15, based on long-term average net natural water supply and outflow.

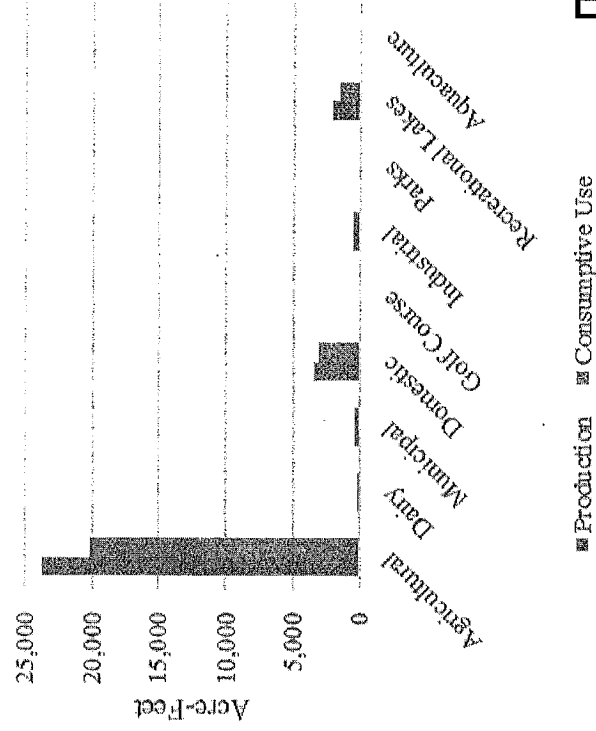
EXHIBIT 5

Consumptive Use Update

Baja Subarea, 2016

Type of Use	Production (af)	Consumptive Use (af)	Consumptive Use (% of Production)
Agricultural	23,761	20,262	85.3%
Dairy	140	140	-
Municipal	444	399	89.8%
Domestic	3,429	3113	90.8%
Golf Course	0	0	-
Industrial	491	491	100%
Parks	73	0	-
Recreational Lakes	2,106	1,608	76.4%
Aquaculture	11	8	69.8%
Agricultural Subtotal	23,900	20,401	85.4%
Urban Subtotal	6,555	5,620	85.7%
Total	30,455	26,022	85.4%

Baja Subarea, 2016



Note: Consumptive use analysis for Baja not yet complete. Above figures are estimated based on verified production for water year 2015-16 and consumptive use ratios for 2014-15.

Source: February 22, 2017 Watermaster Engineer, R.C. Wagner Presentation in Exhibit 13a

Exhibit 5

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **CITY OF BARSTOW ,et al. v. CITY OF ADELANTO; and ALL RELATED CROSS ACTIONS**

No.: **CIV 208568**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On September 27, 2018, I served the attached:

DECLARATION OF KIT CUSTIS IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO ORDER SETTING STATUS CONFERENCE

by placing a true copy thereof enclosed in a sealed envelope with the [**FED-EX overnight courier service**], addressed as follows:

William J. Brunick, Esq.
Brunick, McElhaney & Beckett
1839 Commercenter West
San Bernardino, CA 92412

Valerie Wiegenstein
Watermaster Services Manager
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 27, 2018, at Los Angeles, California.

Blanca Cabrera

Declarant



Signature

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 27, 2018, 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:

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO ORDER SETTING STATUS CONFERENCE

DECLARATION OF ALISA ELLSWORTH IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO ORDER SETTING STATUS CONFERENCE

DECLARATION OF KIT CUSTIS IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO ORDER SETTING STATUS CONFERENCE

DECLARATION OF MARILYN H. LEVIN IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO ORDER SETTING 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 September 27, 2018 at Apple Valley, California.


Valerie Wiegenstein

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Mojave Basin Area Watermaster Service List as of September 27, 2018

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Mojave Basin Area Watermaster Service List as of September 27, 2018

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Mojave Basin Area Watermaster Service List as of September 27, 2018

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Mojave Basin Area Watermaster Service List as of September 27, 2018

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Mojave Basin Area Watermaster Service List as of September 27, 2018

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