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

12 **CITY OF BARSTOW, et al.**

13
14 **Plaintiffs,**

15
16 **CITY OF ADELANTO, et al.,**

17 **Defendants.**

18
19 **And All Related Cross Actions**

Case No. CIV 208568

**DECLARATION OF KIT CUSTIS IN
SUPPORT OF THE DEPARTMENT OF
FISH AND WILDLIFE'S RESPONSE TO
WATERMASTER'S MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCE FOR THE 2020-2021
WATER YEAR**

Hearing: June 11, 2020
Time: 1:30 p.m.
Dept: 01

20
21 I, Kit Custis, hereby declare:

22 1. I am presently employed by the California Department of Fish and Wildlife (CDFW
23 or Department) and have been employed by the Department for 13 years.

24 2. My current position at the Department is as a retired annuitant with the classification
25 of Senior Engineering Geologist. My current duties with the Conservation Engineering Branch of
26 the Ecosystem Conservation Division are to provide hydrogeologic assessments and
27 recommendations to the Department. I am providing the following information in support of
28

1 CDFW's Response to the Notice of Motion and Motion by the Watermaster to Adjust Free
2 Production Allowance For Water Year 2020-2021 (2020-2021 Rampdown Motion) and the 2020
3 declaration of Watermaster Engineer Robert C. Wagner in support thereof (2020 Wagner Decl.).

4 3. I have provided expert witness testimony on groundwater issues for the Department in
5 State Water Resource Control Board hearings on water rights involving Victor Valley Water
6 Reclamation Authority (Mojave River), North Gualala Water Company (North Fork Gualala
7 River), and El Sur Ranch (Big Sur River). In addition, I have provided reviews of other water
8 rights applications and provided hydrogeologic assessments for the Department on Carmel River,
9 Mammoth Creek, Santa Maria River, Little Shasta River Valley, Garcia River, and Fish Spring
10 Hatchery and Fish Slough in Owens Valley. I have also provided declarations in support of the
11 Department's Responses to Watermaster's Motions to Adjust Free Production Allowance for
12 Water Years (WY) 2015-2016 through WY 2019-2020.

13 4. I have a Bachelor's and Master's Degree in Geology from California State University
14 at Northridge. I have additional graduate studies as a PhD student in Hydrological Sciences at the
15 University of California at Davis. I have worked for 42 years as a professional engineering
16 geologist and hydrogeologist. I hold licenses in California as a Registered Professional
17 Geologist, PG 3942, Certified Engineering Geologist, EG 1219, and Certified Hydrogeologist,
18 HG 254. I have worked in consulting and as an employee of the State of California. As a State of
19 California employee, I have worked for the State Water Resources Control Board, the Central
20 Valley Regional Water Quality Control Board, the California Geological Survey and the
21 Department. A copy of my curriculum vitae is attached as Exhibit 1. The following facts are true
22 and correct to the best of my belief and if called to testify, I could and would testify completely
23 thereto. Except where otherwise indicated below, I make this declaration on personal knowledge.

24 5. I have been asked to review the judgment in *City of Barstow, et al., vs. City of*
25 *Adelanto, et al.*, Riverside County Superior Court case no. 208568 (Judgment), including Exhibit
26 H to the Judgment, and reports, studies, and recommendations regarding the annual adjustment of
27 Free Production Allowance (Rampdown) for the Baja Subarea of the Mojave Basin Area (Baja)
28

1 and render an opinion on what amount of Rampdown, if any, is necessary to comply with the
2 Judgment.

3 6. I have reviewed hydrogeologic reports, groundwater elevation records for Baja in and
4 around Camp Cady and other relevant documents and studies. The documents I have reviewed
5 include:

- 6 A. The Mojave Basin Area Twenty-Sixth Annual Report of the Mojave Basin Area
7 Watermaster, Water Year 2018-2019, dated May 1, 2020 including relevant figures,
8 tables and Appendices A to L (26th Annual Watermaster Report, WY 2018-2019) and
9 the Baja sections, tables and appendices of the Annual Watermaster Reports, WY
10 1992-1994 to 2017-2018.
- 11 B. The January 2013 Todd Engineering report titled *Hydrogeologic Investigation of*
12 *Camp Cady Wildlife Area, Newberry Springs, California.*
- 13 C. The July 2013 Todd Engineering report titled *Conceptual Hydrogeological Model*
14 *and Assessment of Water Supply and Demand for the Centro and Baja Management*
15 *Subareas.*
- 16 D. The 1996 U.S. Geological Survey's Water Resource Investigation Report 96-4241 by
17 G.C. Lines and T.W. Bilhorn titled *Riparian Vegetation and Its Water Use During*
18 *1995 Along the Mojave River, Southern California.*
- 19 E. The 1999 U.S. Geological Survey's Water Resource Investigation Report 99-4112 by
20 G.C. Lines titled *Health of Native Riparian Vegetation and Its Relation to Hydrologic*
21 *Conditions along the Mojave River, Southern California.*
- 22 F. Historic groundwater level data for Baja from the U.S. Geological Survey's National
23 Water Information System web site, accessed through the Mojave Water Agency's
24 water data web site, and the public portal of the California Department of Water
25 Resources Statewide Groundwater Elevation Monitoring (CDWR-CASGEM) online
26 system web site.
- 27 G. The 2020 Declaration of Alisa Ellsworth, Senior Environmental Specialist with
28 CDFW, in Support of the Department of Fish and Wildlife's Response to

Watermaster's Motion to Adjust Free Production Allowance for the 2020-2021 Water Year. (2020 Ellsworth Decl.)

H. The February 26, 2020 and April 22, 2020 Memoranda by the Watermaster Engineer, R. C. Wagner, *FPA Recommendations for Water Year 2020-2021*. The two memoranda are attached to the 2020 Ellsworth Declaration as Exhibit C.

I. The portions relevant to the Baja Subarea of the Judgment After Trial in the Stipulated Judgment in *City of Barstow, et al., vs. City of Adelanto, et al.*, Riverside County Superior Court case no. 208568, including Exhibit H.

J. The 2020-2021 Rampdown Motion.

K. The 2020 Wagner Decl.

L. Prior Declarations of Thomas Bilhorn, Troy Kelly, Denyse Racine, Tonya Moore and Alisa Ellsworth and attachments thereto filed with this Court in support of Department Responses to prior Watermaster Rampdown Motions.

7. Exhibit H to the Judgment requires the Watermaster to recommend to the court a decrease of 5% of the Free Production Allowance (FPA) for a subarea when that subarea's FPA exceeds its estimated Production Safe Yield (PSY) by five percent (5%) or more.

8. Based on my review of the documents listed above and my analysis of the changes in groundwater levels in and adjacent to Camp Cady Wildlife Area (Camp Cady), I have reached the following conclusions:

A. The verified production in Baja and the FPA continue to be greater than the PSY by more than 5%, as reported in the table on page 37 in Chapter 5 of the 26th Annual Watermaster Report, WY 2018-2019, document 6(A) listed above as shown in Table 1 and Figure 1, attached as Exhibits 2 and 3.

B. Declines in shallow groundwater levels continue to occur and groundwater levels at Camp Cady have not stabilized as of January 2020, as reported by the U.S. Geological Survey and CDWR-CASGEM, Document 6(F) listed above, and shown in Tables 2 and 3, and Figures 3a-b and 4a-c, attached as Exhibits 4, 5, 7 and 8.

- 1 C. The decline in shallow groundwater levels at Camp Cady since 2011, as shown by
2 bold values in Column 6 of Table 2, attached as Exhibit 4, has resulted in a condition
3 where all of the measurements of the shallow groundwater exceed the critical depth
4 of 7 to 10 feet needed for a healthy riparian forest, documents 6(D) and 6(E) listed
5 above.
- 6 D. The PSY for the Baja subarea has been updated from 20,679 acre-feet per year to
7 12,189 acre-feet per year based on 2017-2018 updated consumptive use values, 2020
8 Wagner Decl., lines 4 to 7 and 12, document 6(K) listed above.
- 9 E. The updated projected groundwater production rate where the FPA will meet the
10 estimated PSY is calculated at 18.4% of the Base Annual Production (BAP) of 66,157
11 acre-feet per year for Baja, 2020 Wagner Decl., line 12, document 6(K) listed above.
- 12 F. It is also important to note that there is 16,993 acre-feet of Carryover FPA available
13 to satisfy over production in 2020-2021 in Baja, as shown in the Summary Table in
14 Appendix B of the 26th Annual Watermaster Report, WY 2018-2019, document 6(A)
15 listed above. A Carryover Right is the accumulation of a Producer's unused share of
16 a Subarea Free Production Allowance (unused FPA or Carryover.) Carryover allows
17 Baja producers to continue to pump in excess of FPA for many years without having
18 to pay to import water during Rampdown because their unused percentage of FPA
19 gets carried over to the next year and is used first.
- 20 G. The depth to shallow groundwater in 16 of the 17 shallow wells within and in the
21 vicinity of Camp Cady is greater than 10 feet, a depth where riparian forests become
22 highly stressed, as shown by bold values in Column 6 of Table 2, attached as Exhibit
23 4. A total of 8 shallow wells have gone dry, as shown in Table 2, attached as Exhibit
24 4. Wells go dry when the depth to groundwater exceeds the screened depth of the
25 well and therefore the depth to groundwater at the 8 dry wells is greater than 10 feet.
26 Column 1 in Table 2, attached as Exhibit 4, gives the total depth of each well.
- 27 H The depth to shallow groundwater in 9 of the 17 shallow wells within and in the
28 vicinity of Camp Cady is greater than 20 feet, a depth where mesquite may not be

1 able to survive, as shown in Column 6 of Table 2, attached as Exhibit 4. The
2 elevation of groundwater in all measurable shallow wells continues to decline, as
3 shown by the negative values in column 10 in Table 2, attached as Exhibit 4.

4 I. The long-term rate of decline as of January 2020 in 21 of the 30 shallow, intermediate
5 and deep wells within and in the vicinity of Camp Cady is greater than the reported
6 Baja long-term average decline of 1 foot per year and of those 4 are greater than 2
7 feet per year, as shown in Tables 2 and 3, attached as Exhibits 4 and 5. The long-
8 term rate of decline in 8 of these wells can no longer be measured because the wells
9 are now dry, as shown on Table 2, attached as Exhibit 4. If Baja groundwater begins
10 to come into balance, the rate of decline in groundwater levels should become
11 smaller. Long-term declines in Baja groundwater levels are shown for selected wells
12 in the hydrographs of Figure 3-14 of the 26th Annual Watermaster Report, WY 2018-
13 2019, document 6(A) listed above (original figure is available at:

14 <https://www.mojavewater.org/files/BajaHydrograph2020.pdf>).

15 J. While the 5% Rampdown approved for each of the last four years was necessary, it
16 has also not yet resulted in stable groundwater levels.

17 J. Because of the continued groundwater level decline, surface water recharge is less
18 effective at raising and maintaining shallow groundwater water levels in the vicinity
19 of Camp Cady, as discussed below in paragraphs 17 to 22.

20 K. It is necessary to both import water to Baja to raise water levels, and continue to
21 rampdown production until FPA in Baja is equal to Baja's PSY.

22 9. Therefore, based on my conclusions above, it is my opinion that the annual
23 Rampdown for the Free Production Allowance in Baja should continue as required by the
24 Judgment at a 5% rate, and be reduced from 30% to 25% for the WY 2020-2021, and continue to
25 be reduced in 5% increments annually as necessary for the sustainability of the Basin.

26 10. I have prepared various Tables and Figures and reviewed documents to explain my
27 conclusions:
28

- 1 A. Table 1, attached as Exhibit 2, shows the verified groundwater production in Baja
2 with data taken from Table 4 of Appendix L in the Watermaster's Annual Reports for
3 WY 1993-94 to WY 2018-2019 and line 12 in the table of current FPA on page 3 of
4 the 2020 Wagner Decl.
- 5 B. Figure 1, attached as Exhibit 3, shows:
6 (1) a graph of Baja verified production from WY 1993-1994 to WY 2018-2019 taken
7 from the Summary Tables in Appendix B of the Annual Watermaster Reports;
8 (2) the original estimated PSY of 20,679 acre-feet per year, and the updated estimated
9 PSY of 12,189 acre-feet per year, 2020 Wagner Decl., page 3, lines 4 to 12;
10 (3) the historic Rampdown rates (Free Production Allowance rate) taken from
11 Appendix B listed above; and,
12 (4) the sum of Rampdown and Carryover taken from Appendix B listed above.
- 13 C. Table 2, attached as Exhibit 4, lists recent changes in groundwater levels in 17
14 shallow wells within and in the vicinity of Camp Cady (data obtained from Document
15 6(F) listed above). The wells listed in Table 2 are screened at or less than 52 feet
16 below the ground surface (bgs) and measure the shallowest groundwater zones.
- 17 D. Table 3, attached as Exhibit 5, shows 13 intermediate to deep wells within and in the
18 vicinity of Camp Cady (data obtained from Document 6(F) listed above). Table 3
19 lists wells that are screened at depth of 85 feet bgs or greater and measure water
20 levels in deeper aquifer zones.
- 21 E. Figure 2a and 2b, attached as Exhibits 6a and 6b, are maps of Baja that show the
22 geographic features of the subarea including Camp Cady (Exhibit 6a) and the
23 locations of the wells listed in Tables 2 and 3 along with the boundary of Camp Cady
24 (Exhibit 6b). These maps were modified after Figures 2 and 24 in the January 2013
25 Todd Engineers report, document 6(B) listed above.
- 26 F. Figures 3a and 3b, attached as Exhibit 7, show the groundwater hydrographs for the
27 Harvard Road cluster of wells (10N3E-27J01S to 10N3E-27J05S, as shown in Exhibit
28 6b), based on data obtained from document 6(F) listed above. The Harvard Road

1 well cluster is located at the upstream end of Camp Cady and has five groundwater
2 monitoring wells that extend to different depths, ranging from 45 feet to 570 feet, and
3 monitor shallow, intermediate and deep aquifer zones at the depths listed in Figures
4 3a and 3b.

5 G. Figures 4a, 4b, and 4c, attached as Exhibit 8, show the groundwater hydrographs for
6 three clusters of multiple monitoring wells, identified as A, B and C, on the map
7 attached as Exhibit 6b, that were installed at Camp Cady in 2011 (data obtained from
8 document 6(F) listed above). The hydrographs show the groundwater levels in
9 shallow and deep aquifer zones as measured at the depths listed in Figures 4a, 4b, and
10 4c.

11 11. Table 1, attached as Exhibit 2, shows the following:

12 A. Verified production for Baja had a recent high of 29,188 acre-feet in WY 2011-2012,
13 column 4.

14 B. The lowest Verified Production for Baja was 21,162 acre-feet in WY 2018-2019,
15 column 4. This is still greater than the updated estimate of PSY of 12,189 acre-feet
16 per year, 2020 Wagner Decl., page 3, line 12, document 6(K) listed above.

17 C. Verified production in WY 2018-2019 decreased 5.2% over WY 2017-2018, column
18 10, but the total production in Baja still exceeded the PSY by more than 5%.

19 12. Figure 1, attached as Exhibit 3, shows similar conclusions set forth above in Table 1,
20 but in graph format. Figure 1, Exhibit 3 shows from WY 1993-1994 to WY 2018-2019: (1) the
21 verified production in Baja, (2) the FPA Rampdown, (3) the sum of FPA and Carryover, and (4)
22 the previous PSY of 20,679 acre-feet per year with the updated PSY of 12,189 acre-feet per year.
23 Figure 1 demonstrates as follows:

24 A. Baja verified production after Carryover from WY 1993-1994 to WY 2018-2019 has
25 consistently been below FPA, and therefore Rampdown in the past does not appear to
26 have collectively had a negative affect on production.

1 B. The sum of Rampdown and Carryover will likely continue to exceed verified
2 production for many years. Carryover will allow for production to exceed FPA well
3 beyond WY 2020-2021.

4 13. Figures 2a and 2b, attached as Exhibits 6a and 6b, are maps that show the geographic
5 features of Baja and the locations of the wells listed in Tables 2 and 3, attached as Exhibits 4 and
6 5, along with the boundary of Camp Cady. Wells P1 to P11, and well clusters A through D
7 within Camp Cady were installed during June to August 2011 and show more recent data within
8 Camp Cady. The other wells shown in Figure 2b, Exhibit 6b, within and outside of Camp Cady
9 were installed before 2011 and provided older groundwater measurements.

10 14. Table 2, attached as Exhibit 4, provides in columns 2 through 7 from the left, the
11 earliest and latest dates and the corresponding seasonal groundwater depths taken in 17 shallow
12 aquifer zone monitoring wells within and in the vicinity of Camp Cady. Figure 2b, attached as
13 Exhibit 6b, is a map of Camp Cady that shows the locations of the wells listed in Table 2. The
14 name or identifier of each well is listed in column 1. The shallow wells in Table 2 are likely
15 measuring the *water table* of an unconfined aquifer. An unconfined aquifer is generally
16 composed of highly permeable materials (gravels and sands) that extend from the ground surface
17 down to a relatively impermeable boundary. The unconfined aquifer is directly influenced by the
18 infiltration of surface waters. The values in columns 2 through 7 were used in calculating total
19 change and long-term average rate of change in groundwater levels given in columns 9 and 12.
20 For wells P6 to P9 measurements listed are from March 2012 to March 2020. For the other wells,
21 the dates and values listed represent earliest and latest similar seasons when groundwater levels
22 could be measured. When possible, the rate of change calculated for each well was based on
23 measurements in the same month to allow for a seasonal comparison and/or to remove the
24 temporary effects of local pumping during a particular season. The groundwater level in eight of
25 the shallow wells listed in Table 2 (P1, P2, P3, P4, P5, P10, P11, and 10N3E-27J05S) has
26 dropped below the bottom of the well, indicated as dry in column 8. The groundwater levels and
27 calculations given in Table 2, Exhibit 4, show the following:
28

- 1 A. Table 2, attached as Exhibit 4, shows in column 9 that shallow groundwater levels
2 have dropped 1.46 feet to 16.11 feet, or more (dry wells), at Camp Cady since
3 January 2011 to March 2020.
- 4 B. The groundwater depth values that are bolded in column 6 of Table 2, attached as
5 Exhibit 4, show that in all of the shallow wells the depth to groundwater has dropped
6 to a range of 7 to 10 feet, or more, since early-2011. The 7- to 10-foot depth is
7 considered a critical range necessary for maintaining riparian forests, which include
8 water dependent plant species such as cottonwoods and willows. (Documents 6(D)
9 and 6(E) listed above.)
- 10 C. Thirteen of the seventeen depths to groundwater listed in column 6 of Table 2,
11 attached as Exhibit 4, for the shallow wells are underlined. At these wells the depth
12 to shallow groundwater has dropped to or below the range of 15 to 20 feet, a critical
13 depth for maintaining mesquite. (Documents 6(D) and 6(E) listed above.)
- 14 D. The underlined depths to groundwater in seven of the shallow wells (P1, P2, P3, A-
15 Shallow, B-Shallow, D-Shallow, and 10N3E-27J05S) exceeded 15 to 20 feet at
16 earliest measurement given in column 3 of Table 2, attached as Exhibit 4.
- 17 E. Column 12 of Table 2, attached as Exhibit 4, shows that from the earliest date of
18 measurement given in column 2 to the latest date of measurement given in column 5
19 the long-term annual rate of decline in shallow groundwater level at Camp Cady
20 ranged from 0.18 feet-per-year to 4.60 feet-per-year.
- 21 F. Column 10 of Table 2, attached as Exhibit 4, shows that the decline from 2019 to
22 2020 in groundwater level in the shallow wells ranged from 0.14 to 2.20 feet. In
23 some cases, the recent decline is less than the long-term average, shown in Column
24 12, which may reflect the reduction in groundwater pumping as a result of
25 Rampdown.
- 26 H. The bolded values in column 12 of Table 2 are 4 of the 17 shallow wells that have a
27 long-term rate of groundwater level decline at or greater than 2 feet per year.
28

1 15. Table 3, attached as Exhibit 5, provides in columns 2 through 7 from the left the
2 earliest and latest dates and the corresponding seasonal groundwater depths and elevations taken
3 in 13 intermediate and deep aquifer zone monitoring wells. Figure 2b, attached as Exhibit 6b, is a
4 map of Camp Cady that shows the locations of the wells listed in Table 3. The intermediate and
5 deep wells in Table 3 are likely measuring water levels in semi-confined or confined aquifers. A
6 confined aquifer is overlain by a layer that has sufficiently low permeability (silt or clay) to keep
7 the aquifer under pressure. When the confining layer allows some leakage through it, the aquifer
8 is considered semi-confined. Water level measured in a well screened in semi-confined and
9 confined aquifers that rises above the base of the confining layer, and is called the potentiometric
10 surface. The values in columns 2 through 7 were used in calculating total change and long-term
11 average rate of change in groundwater levels given in columns 9 and 12. For well clusters A, B
12 and C, water measurements listed are from January 2012 to March 2020. For the other wells, the
13 dates and values listed represent earliest and latest similar seasons when groundwater levels could
14 be measured. When possible, the rate of change calculated for each well was based on
15 measurements in the same month to allow for a seasonal comparison. The groundwater levels
16 and calculations given in Table 3, attached as Exhibit 5, show the following:

- 17 A. Intermediate and deep aquifer zone water levels continue to decline since the earliest
18 date listed in column 2 in all but one of the wells listed in Table 3, attached as Exhibit
19 5, well 10N3E-15Q02S.
- 20 B. The long-term average rate of groundwater level decline shown in column 12 of
21 Table 3, attached as Exhibit 5, ranges from 0.76 to 1.80 feet-per-year.
- 22 C. Groundwater levels rose since the earliest date listed in column 2 in only one of the
23 wells listed in Table 3, attached as Exhibit 5, 10N3E-15Q02S, which is north of the
24 Manix Fault, as seen in Figures 2a and 2b, attached as Exhibits 6a and 6b. This rise
25 in groundwater level is not representative of groundwater trends in the vicinity of
26 Camp Cady or the main portion of Baja. The contrasting rise in groundwater levels
27 suggests that the Manix Fault strongly influences subsurface flows such that the fault
28 slows down groundwater moving from the north to the south into Baja. Therefore,

1 recharge north of the fault may not significantly contribute to groundwater
2 replenishment at Camp Cady, which is south and south east of the fault.

3 16. During the period of the Judgment from 1996 to the present, groundwater levels in
4 the vicinity of Camp Cady have declined. The long-term declines in groundwater levels since
5 1992 have been observed in the Harvard Road cluster of wells. Figures 3a and 3b, attached as
6 Exhibit 7, show the groundwater hydrographs for the five monitoring wells in the Harvard Road
7 cluster (10N3E-27J01S to 10N3E-27J05S) along with the well screen depth intervals listed for
8 each well. The shallowest well (10N3E-27J05S) is likely in an unconfined water table aquifer,
9 where as the intermediate and deeper wells (10N3E-27J01S to 10N3E-27J04S) are likely in semi-
10 confined aquifers based on the geologic materials encountered during well construction and the
11 hydraulic characteristic of the wells as documented in the 2013 Todd Engineers report on
12 hydrogeology of Camp Cady. (Document 6(B) listed above.) Figures 3a and 3b in Exhibit 7
13 show the following about the overall decline in groundwater levels at Camp Cady:

- 14 A. Figure 3a, attached as Exhibit 7, shows the historical groundwater levels for all five
15 Harvard Road cluster wells from 1992 to March 2020. Figure 3b shows the
16 groundwater levels for the deepest well (10N3E-27J01S), the intermediate depth well
17 (10N3E-27J04S, and the shallowest well (10N3E-27J05S) since 2003.
- 18 B. The groundwater levels shown in Figure 3a, attached as Exhibit 7, for the deepest two
19 wells (10N3E-27J01S and 10N3E-27J02S) have declined steadily since the early
20 1990s. Over a period of 28 years groundwater levels in these wells have declined
21 approximately 60 to 65 feet.
- 22 C. Groundwater levels shown in Figure 3a, attached as Exhibit 7, in the shallow and
23 intermediate depth wells (10N3E-27J05S, 10N3E-27J04S and 10N3E-27J03S)
24 declined at a rate similar to that in the deeper wells until 2002 when they began to
25 stabilize and then rose in WY 2004-2005, likely due to a significant flood as shown in
26 Figure 3-5 in the 26th Annual Watermaster Report, WY 2018-2019. (Document 6(A)
27 listed above.)
28

1 D. Figure 3b, attached as Exhibit 7, shows that after 2005 the groundwater levels again
2 declined with the shallowest well (10N3E-27J05S) going generally dry in 2007.

3 E. Figure 3b, attached as Exhibit 7, shows that after 2005, the groundwater level in the
4 intermediate well (10N3E-27J04S) continued to decline at a rate similar to the
5 deepest well (10N3E-27J01S) until mid-2008. In mid-2008, it began to stabilize and
6 even rose a few feet at the beginning of 2011. Since mid-2011 to the present, the rate
7 of groundwater level decline in the intermediate well 10N3E-27J04S has been similar
8 to the deeper well 10N3E-27J01S.

9 F. Even though the shallowest groundwater at the Harvard Road wells in Camp Cady
10 (10N3E-27J05S) rose approximately 5 feet in WY 2004-2005, the rise in the water
11 table was insufficient to reverse the long-term overall decline.

12 G. The shallowest groundwater level in Camp Cady at Harvard Road remains at a depth
13 of approximately 45 feet or deeper (the bottom of well 10N3E-27J05S), which is too
14 deep to support surface vegetation. (Documents 6(D), and 6(E), listed above.)

15 17. In addition to the continued overall decline in groundwater levels in the area of Camp
16 Cady, an important change in the direction of vertical groundwater flow began in WY 2004-2005
17 that continues to impact shallow groundwater levels. Vertical flow in groundwater occurs
18 because of the difference in elevation of groundwater between aquifer zones. When the elevation
19 of the potentiometric surface in a semi-confined aquifer is above the elevation of the water table
20 in an overlying unconfined aquifer, groundwater can flow upwards by leaking through the semi-
21 confining layer separating the aquifers. When the elevation of the water table in the overlying
22 unconfined aquifer is higher than the potentiometric surface in the underlying semi-confining
23 aquifer, groundwater can flow downward. A difference in the height at the Harvard Road wells
24 between an overlying unconfined water table (10N3E-27J05S) and a semi-confined
25 potentiometric surface of the intermediate and deeper wells (10N3E-27J01S to 10N3E-27J04S)
26 causes a vertical component to the groundwater gradient, which creates the potential for vertical
27 groundwater flow.
28

1 18. Camp Cady is located at the outfall of Baja where both surface water and
2 groundwater exit the basin through Afton Canyon. Prior to 2004, there was apparently a constant
3 upward direction of vertical groundwater flow in the vicinity of Camp Cady as observed since the
4 early 1990's in the Harvard Road wells and the historic presence of surface waters and riparian
5 vegetation in the area. The shallow groundwater and likely surface flows at Camp Cady were
6 maintained by the upward flow of groundwater from the deeper aquifer zones, which occurred
7 when flowing deeper groundwater encountered the relatively impermeable bedrock that bounds
8 the basin.

9 19. Figure 3b, attached as Exhibit 7, shows that beginning in WY 2004-2005, a change
10 occurred in the vicinity of Camp Cady in the vertical component of groundwater flowing from the
11 deep to shallow aquifers from always upward to mixed cycles of upward-and-downward, and
12 then after 2010 to mostly downward. This change in flow directions has created a significant
13 change in the hydraulic conditions of the shallow groundwater at Camp Cady. When vertical
14 flow was always upward, the shallow groundwater at Camp Cady received recharge from the
15 deeper aquifers that help to maintain the riparian vegetation and sustain the surface waters. The
16 recent change to mostly downward flow reduces the source of groundwater recharge needed to
17 maintain the shallow aquifer zone. Therefore, maintenance of shallow groundwater levels at
18 Camp Cady needed to support surface vegetation is more difficult and now requires more
19 recharge from surface water.

20 20. In addition to showing the continued overall decline in groundwater levels, the
21 hydrographs of the Harvard Road wells in Camp Cady, Figures 3a and 3b, attached as Exhibit 7,
22 also show that the past and present changes in the vertical direction of groundwater flow that
23 began WY 2004-05 continue to the present and now significantly impact the availability of
24 shallow groundwater. Figures 3a and 3b show the following:

- 25 A. Figure 3a shows that prior to 2004 the water levels in the two deeper groundwater
26 zones (10N3E-27J01S and 10N3E-27J02S) were higher than in the shallow and
27 intermediate zones (10N3E-27J05S, 10N3E-27J04S and 10N3E-27J03S).
28

- 1 B. With the potentiometric surfaces of the two deeper semi-confined aquifers being
2 initially higher than those in the overlying shallow and intermediate groundwater
3 zones, the direction of the vertical component of the groundwater gradient was
4 upward. This indicates that deeper groundwater could flow towards the shallower
5 aquifer zones because saturated groundwater flows from high to low hydraulic head.
- 6 C. This upward vertical component of the groundwater gradient would have either
7 caused deeper groundwater to provide some recharge to the shallow and intermediate
8 groundwater zones through leakage across the semi-confining layers or at least
9 created hydraulic conditions that prevented downward movement of shallow and
10 intermediate zone groundwater.
- 11 D. This condition of upward vertical groundwater flow helped to maintain the shallow
12 groundwater levels that are important for a healthy riparian forest habitat at Camp
13 Cady. This upward vertical groundwater flow also prevented infiltrating surface
14 waters from percolating all the way through the shallow zones into the deeper
15 aquifers and impacting the shallow groundwater levels.
- 16 E. Figure 3a, attached as Exhibit 7, also shows that before 2004 the shallow and
17 intermediate aquifer zones cycled seasonally from an upward to downward vertical
18 component of groundwater gradient, but the direction of the groundwater gradient
19 with the deeper aquifer zones was always upward.
- 20 F. Figure 3b, attached as Exhibit 7, shows that between 2005 and 2010, the direction of
21 the vertical component of groundwater gradient between the deeper and
22 shallow/intermediate aquifer zones was mixed, cycling between upwards and
23 downwards in response to the winter rise in the deeper groundwater levels. Note that
24 the shallowest well (10N3E-27J05S) generally remains dry after 2007.
- 25 G. Figure 3b, attached as Exhibit 7, shows that after 2010 the groundwater levels at the
26 intermediate depth from 70 to 90 feet (10N3E-27J04S) are consistently higher than
27 those in the deeper groundwater zones resulting in a consistent downward direction to
28 the vertical component of the groundwater gradient.

1 H. Although groundwater levels in the shallowest well (10N3E-27J05S) generally could
2 not be measured after 2007, it is likely that the level of the shallowest groundwater
3 zone continues to be higher than that in the 70-to-90 foot zone (10N3E-27J04S)
4 resulting in the shallow groundwater flowing downward.

5 21. The wells installed at Camp Cady in 2011 show similar changes in the vertical
6 groundwater gradient as in the Harvard Road cluster of wells. Figures 4a, 4b and 4c, attached as
7 Exhibit 8, show the groundwater hydrographs for well clusters A, B and C at Camp Cady, the
8 locations of the wells are shown in Figure 2b, attached as Exhibit 6b. Figures 4a, 4b and 4b,
9 attached as Exhibit 8, show the following:

- 10 A. The A-well cluster, as seen in Figure 4a, shows a seasonal cyclic pattern of vertical
11 groundwater gradient from mid-2011 to mid-2014 similar to the 2005 to 2010 period
12 in the Harvard Road wells. The highest groundwater levels typically occurred during
13 winter months.
- 14 B. After mid-2014 the shallow groundwater in the A-well cluster was consistently higher
15 than the deeper zone resulting in a constant downward component of vertical
16 groundwater gradient, similar to the Harvard Road well cluster after 2010.
- 17 C. The first two years of measurements, 2011 and 2012, in the B-well cluster, as seen in
18 Figure 4b, also show cycles of seasonal upward and downward vertical groundwater
19 gradient.
- 20 D. After January 2013, shallow groundwater in the B-well cluster was consistently
21 higher than the deeper zone resulting in a constant downward component of vertical
22 groundwater gradient, similar to the Harvard Road well cluster after 2010.
- 23 E. The rapid changes in groundwater levels in both the shallow and deep zones at the B-
24 well cluster from 2011 to mid-2014 suggest a strong influence from local pumping.
- 25 F. The C-well cluster, as seen in Figure 4c, shows the shallow zone water level is
26 consistently higher than the deeper zone producing a constant downward vertical
27 component of groundwater gradient.
- 28

1 22. The recent development of a constant downward gradient at Camp Cady means that
2 infiltrating surface water is under a hydraulic condition that creates continual downward flow to
3 the deeper aquifer zones, rather than remaining in the shallowest zones. This results in less
4 shallow groundwater being available to support surface vegetation. With the change to only
5 downward vertical component of groundwater gradient, maintenance of shallow groundwater
6 levels at Camp Cady is now more difficult. Maintaining the level of the shallowest groundwater
7 needed to support surface vegetation now requires more surface water recharge to make up for
8 increased losses from shallow groundwater percolating to the deeper aquifer zones.

9 23. The condition in Baja of continual groundwater pumping and consumptive use
10 exceeding the average net long-term water supply supports the recommendation of the
11 Watermaster Engineer that additional Rampdown in Baja of 5% be implemented.

12 24. At the February 26, 2020 and April 22, 2020 Watermaster meetings, Watermaster
13 Engineer, Mr. Wagner, presented and concluded that hydrologic conditions indicate that
14 additional Rampdown to 25% of BAP is warranted for Baja. I agree with his presentation and
15 conclusions that:

- 16 A. Water production in Baja exceeds the limited water supply and FPA in Baja exceeds
17 PSY.
- 18 B. The WY 2018-2019 Verified Production in Baja still exceeds PSY by greater than
19 5%.
- 20 C. Groundwater levels and the net change in groundwater storage in Baja continue to
21 decline with a loss in storage of 21,113 acre-feet in WY 2018-2019.
- 22 D. Overdraft in Baja has continued for decades with a cumulative loss in groundwater
23 storage that exceeds 455,000 acre-feet since 1996.
- 24 E. Hydrologic conditions warrant additional Rampdown.

25 25. Based on my review of the documents listed above, including Exhibit H of the
26 Judgment, my own preparation of the various figures and tables attached to this declaration and
27 incorporated herein by this reference, my analysis of the changes in groundwater levels in and
28 adjacent to Camp Cady and the conclusions stated in this declaration, it is my opinion that an

1 annual Rampdown of Free Production Allowance to 25% of BAP should be imposed as required
2 in the Judgment for Water Year 2020-2021 and that additional steps need to be taken, including
3 the importation of water, to begin to ensure the sustainability of Baja.

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

6
7 Dated: May 29, 2020


KIT CUSTIS, Declarant

List of Exhibits

- Exh. 1: Curriculum vitae of Kit Custis
- Exh. 2: Table 1 - Verified Annual Production for the Baja Subarea
- Exh. 3: Figure 1 – Graph of Baja Subarea Verified Production with Rampdown
- Exh. 4: Table 2 – Recent Changes in Groundwater Elevations in Camp Cady
Shallow Wells
- Exh. 5: Table 3 - Recent Changes in Groundwater Elevations in Camp Cady
Intermediate and Deep Wells
- Exh. 6a: Figure 2a – Maps of Baja Subarea and Groundwater Wells at Camp Cady
- Exh. 6b: Figure 2b – Map of Baja Subarea and Groundwater Wells at Camp Cady
- Exh. 7: Figures 3a and 3b – Hydrographs of Groundwater Elevations in Harvard
Road Wells Cluster
- Exh. 8: Figures 4a, 4b and 4c – Hydrographs of Groundwater Elevations in Camp
Cady Well Clusters

LA1990CV1678

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 (CDFW)
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-two years of 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.

Exhibit 1

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: Owens Valley Fish Slough, Mojave River, South Fork Kern River, Big Sur 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 CDFW 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 CDFW staff at Fish Springs Hatchery in Owens Valley on ground water development and pumping impacts. Advise CDFW regions on ground water contaminant issues related to property acquisitions for wildlife preserves. Testified for CDFW at State Water Resource Control Board Water Rights hearings on Victor Valley Water Reclamation Authority's (VWVRA) Mojave River diversion permit, the California Energy Commission on impacts to the Mojave River Transition Zone from diversion of VWVRA 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, 2017-18, 2018-19 and 2019-20.
- 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.

Exhibit 1

- 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 CDFG. Lectured at the CDFG'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.

Exhibit 1

- 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.

Exhibit 1

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.

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

EXHIBIT 2

**Table 1 - 2020 Declaration
Mojave River Baja Subarea
Verified Annual Production**

*Base Annual Production (BAP) = 66,157 AFY
Production Safe Yield (PSY) = 12,189 AFY⁴ = 18.4%*

1	2	3	4	5	6	7	8	9	10	11
WaterMaster's Report No.	Water Year	Free Production Allowance, (AFY)	Verified Production, Table 4 ¹ , (AFY)	Verified Production, (% PSY)	Verified Production minus PSY, (AFY)	FPA Rampdown ² , (% of BAP)	Rampdown minus Production, (AFY)	Rampdown minus Production ³ , (% of PSY)	Year-to-Year Verified Production Difference (%)	Change in Storage, Table 3-2 (AF)
1st	1993-94	66,157	40,745	197.0%	20,066	100.0%	25,412	122.9%	---	---
2nd	1994-95	62,849	35,848	173.4%	15,169	95.0%	27,001	130.6%	-12.0%	---
3rd	1995-96	59,541	45,044	217.8%	24,365	90.0%	14,497	70.1%	25.7%	---
4th	1996-97	56,233	41,634	201.3%	20,955	85.0%	14,599	70.6%	-7.6%	---
5th	1997-98	55,270	36,256	175.3%	15,577	80.0%	19,014	91.9%	-12.9%	---
6th	1998-99	55,270	39,117	189.2%	18,438	80.0%	16,153	78.1%	7.9%	---
7th	1999-00	55,270	38,842	187.8%	18,163	80.0%	16,428	79.4%	-0.7%	---
8th	2000-01	55,270	35,537	171.9%	14,858	80.0%	19,733	95.4%	-8.5%	---
9th	2001-02	55,270	36,745	177.7%	16,066	80.0%	18,525	89.6%	3.4%	---
10th	2002-03	55,270	30,721	148.6%	10,042	80.0%	24,549	118.7%	-16.4%	---
11th	2003-04	55,270	29,584	143.1%	8,905	80.0%	25,686	124.2%	-3.7%	---
12th	2004-05	55,270	26,299	127.2%	5,620	80.0%	28,971	140.1%	-11.1%	---
13th	2005-06	52,553	29,881	144.5%	9,202	75.0%	22,672	109.6%	13.6%	---
14th	2006-07	50,240	33,572	162.3%	12,893	75.0%	16,668	80.6%	12.4%	---
15th	2007-08	50,189	31,296	151.3%	10,617	75.0%	18,893	91.4%	-6.8%	---
16th	2008-09	47,051	27,037	130.7%	6,358	70.0%	20,014	96.8%	-13.6%	---
17th	2009-10	45,472	21,539	104.2%	860	67.5%	23,933	115.7%	-20.3%	---
18th	2010-11	43,863	24,356	117.8%	3,677	65.0%	19,507	94.3%	13.1%	---
19th	2011-12	42,261	29,188	141.1%	8,509	62.5%	13,073	63.2%	19.8%	---
20th	2012-13	40,650	28,405	137.4%	7,726	60.0%	12,245	59.2%	-2.7%	---
21st	2013-14	39,079	27,858	134.7%	7,179	57.5%	11,221	54.3%	-1.9%	---
22nd	2014-15	37,461	27,452	132.8%	6,773	55.0%	10,009	48.4%	-1.5%	26,045
23rd	2015-16	34,323	28,239	136.6%	7,560	50.0%	6,084	29.4%	2.9%	30,146
24th	2016-17	31,080	23,691	114.6%	3,012	45.0%	7,389	35.7%	-16.1%	24,328
25th	2017-18	27,860	22,312	183.1%	10,123	40.0%	5,548	45.5%	-5.8%	24,342
26th	2018-19	24,682	21,162	173.6%	8,973	35.0%	3,520	28.9%	-5.2%	21,113
27th	2019-20	21,474				30.0%				

1. AFY = acre-feet per year

2. FPA = Free Production Allowance;

Rampdown percentages from 1993-94 to 2012-13 taken from R.C.Wagner presentation,
dated February 26, 2014; and 20th through 26th Watermaster Annual Reports

3. Value in column to left expressed as PSY; value is 0% when production equals rampdown

4. PSY reduced to 12,189 AFY in WY 2018-19 from previous 20,679 AFY

EXHIBIT 3

Exhibit 3

2020 Declaration

Figure 1
Baja Subarea Verified Production
Appendix B Watermaster's Annual Reports
WY 1993-94 to WY 2018-19

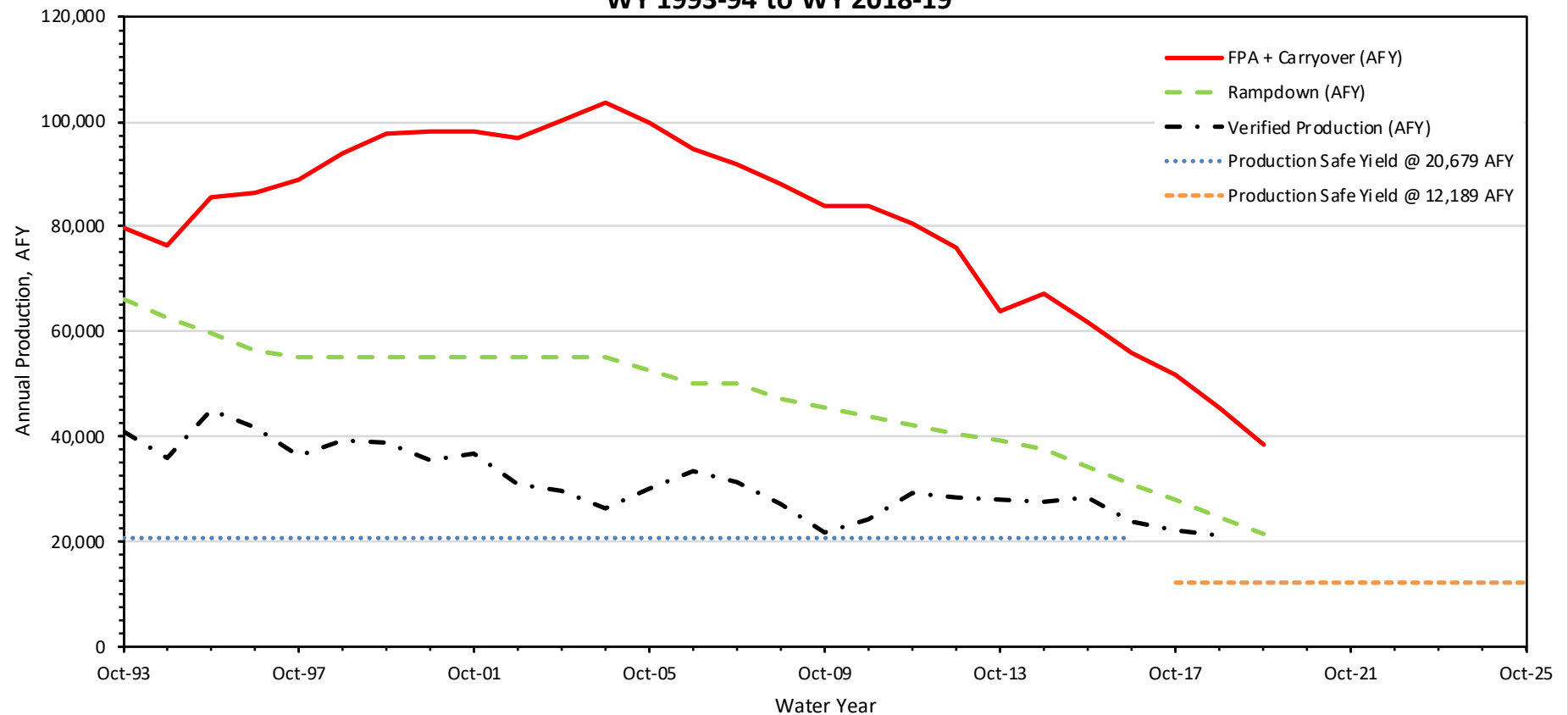


EXHIBIT 4

Table 2 - 2020 Declaration
Recent Change in Groundwater Elevations in Camp Cady Wells
Mojave River - Baja Subarea

1 Well Name and Well Depth ¹ Shallow Wells	2 Early Date	3 Depth ²	4 GW Elev, ft	5 Latest Date ³	6 Depth ²	7 GW Elev, ft	8 ? ⁴	9 GW Elev Diff, ft Total ⁵	10 2019-2020 ⁶	11 Date Diff. Years	12 Long-Term Ave. Feet/Year ⁷
P1-10N3E-26P01S @ 43 ft bgs	1/15/12	<u>36.42</u>	1707.77	1/7/14	<u>43.00</u>	<1,701.19	D	-6.58+	NC	1.98	-3.32+
P2-10N3E-26K03S @ 38 ft bgs	1/1/12	<u>28.92</u>	1706.98	1/4/17	<u>38.00</u>	<1,697.90	D	-9.08+	NC	5.01	-1.81+
P3-10N3E-26H02S @ 37 ft bgs	7/1/11	<u>20.89</u>	1707.90	9/3/19	<u>37.00</u>	<1,691.79	D	-16.11+	NC	8.18	-1.97+
P4-10N3E-25C02S @ 27.5 ft bgs	7/15/11	12.81	1705.86	7/5/17	<u>27.50</u>	<1,691.17	D	-14.69+	NC	5.97	-2.46+
P5-10N3E-25B04S @ 18 ft bgs	7/15/11	8.84	1702.84	7/12/16	<u>18.00</u>	<1,693.68	D	-9.16+	NC	4.99	-1.83+
P6-10N3E-25A04S @ 25 ft bgs	3/15/12	6.59	1698.52	3/12/20	13.26	1,691.85		-6.67	-0.87	7.99	-0.83
P7-10N4E-30D01S @ 18 ft bgs	3/15/12	4.40	1693.77	3/12/20	8.95	1,689.22		-4.55	-0.46	7.99	-0.57
P8-10N4E-19P01S @ 18 ft bgs	3/15/12	7.39	1688.22	3/12/20	11.19	1,684.42		-3.80	-0.26	7.99	-0.48
P9-10N4E-19Q01S @ 18 ft bgs	3/15/12	9.12	1679.48	3/12/20	<u>18.00</u>	1,670.60		-8.88	-2.20	7.99	-1.11
P10-10N4E-19J03S @ 18 ft bgs	3/15/12	10.52	1672.95	1/4/17	<u>18.00</u>	<1,665.47	D	-7.48+	NC	4.81	-1.56+
P11-10N4E-20M01S @ 18 ft bgs	3/15/12	8.74	1667.71	3/20/14	<u>18.00</u>	<1,658.45	D	-9.26+	NC	2.01	-4.60+
A-Shallow-10N3E-25C04S @ 37 ft bgs	1/15/12	<u>20.90</u>	1702.93	3/13/20	<u>30.12</u>	1,693.71		-9.22	-1.03	8.16	-1.13
B-Shallow-10N3E-25A07S @ 52 ft bgs	1/15/12	<u>22.75</u>	1700.87	3/13/20	<u>31.00</u>	1,692.62		-8.25	-0.95	8.16	-1.01
C-Shallow-10N4E-30B02S @ 38 ft bgs	1/15/12	14.90	1691.25	3/16/20	<u>20.70</u>	1,685.45		-5.80	-0.36	8.17	-0.71
D-Shallow-10N4E-20N01S @ 40 ft bgs	1/15/12	<u>29.56</u>	1676.85	3/16/20	<u>31.02</u>	1,675.39		-1.46	-0.14	8.17	-0.18
10N4E-19N04S @ 25 ft	1/2/08	9.60	1694.40	3/18/20	14.56	1,689.44		-4.96	-0.21	12.21	-0.41
10N3E-27J05S @ 45 ft bgs	2/1/06	<u>39.35</u>	1710.65	12/3/07	<u>44.28</u>	<1,658.45	D	-4.93+	NC	1.83	-2.69+

1. Depth listed to bottom of well casing

2. Depth to groundwater below land surface; **bolded values** indicate recent change in groundwater to a depth that exceeds the critical depth of 7 to 10 feet for riparian (cottonwood/willow) forest, and underlined values indicate recent change in groundwater that exceeds a depth of 15-20 feet needed for mesquite (Table H-2 and A. Ellsworth declaration).

3. Date of most recent seasonal measurement, or first date well was continuously dry or obstructed.

4. Well conditions: **D** = Dry; **O** = Obstructed

5. Total difference calculated using seasonal measurements, spring or fall. For dry wells values given are minimum differences.

6. Difference calculated from past **seasonal** measurement with accuracy to nearest hundredth of a foot;

NC = not calculated due to missing measurement; **Bolded values** are greater than long-term well average in column 12

7. Based on last date gw depth measured. **Bolded values** are rates of decline more than the long-term basin average of -2 feet/year

EXHIBIT 5

Table 3 - 2020 Declaration
Recent Change in Groundwater Elevations in Camp Cady Wells
Mojave River - Baja Subarea

1	2	3	4	5	6	7	8	9	10	11	12
Well Name and Well Depth¹ Intermediate and Deep Wells	Early Date	Depth	GW Elev., ft	Latest Date²	Depth	GW Elev., ft	?³	GW Elev. Diff, ft Total⁴	2019-2020⁵	Date Diff. Years	Long-Term Ave. Feet/Year⁶
A-Deep-10N3E-25C03S @ 200 ft bgs	1/15/12	19.98	1703.57	3/13/20	31.51	1692.04		-11.53	-1.07	8.16	-1.41
B-Intermediate-10N3E-25A06S @ 109 ft bgs	1/15/12	21.39	1701.33	3/13/20	31.26	1691.46		-9.87	-1.25	8.16	-1.21
B-Deep-10N3E-25A05S @ 184 ft bgs	1/15/12	21.98	1701.05	3/13/20	32.17	1690.86		-10.19	-0.81	8.16	-1.25
C-Deep-10N4E-30B01S @ 200 ft bgs	1/1/12	18.01	1688.37	3/16/20	24.21	1682.17		-6.20	-0.31	8.21	-0.76
10N3E-15Q02S @ 260 ft bgs	3/15/11	116.37	1683.63	3/4/20	114.13	1685.87		2.24	-0.06	8.97	0.25
10N3E-35E03S @ 194 ft bgs	3/15/11	102.44	1705.05	3/2/20	115.78	1691.71		-13.34	-0.15	8.97	-1.49
10N3E-27J04S @ 90 ft bgs	1/15/11	47.56	1702.44	3/23/20	60.75	1689.25		-13.19	-1.32	9.19	-1.44
10N3E-27J01S @ 570 ft bgs	1/15/11	47.68	1702.32	3/17/20	62.52	1687.48		-14.84	-2.01	9.17	-1.62
10N4E-19M02S @ 147 ft bgs	1/10/11	13.44	1696.86	3/18/20	22.76	1687.54		-9.32	-1.06	9.19	-1.01
10N4E-19M06S @ 85 ft bgs	1/10/11	5.56	1703.64	3/18/20	14.60	1694.60		-9.04	-0.89	9.19	-0.98
10N4E-19N02S @ 160 ft bgs	1/10/11	1.99	1702.01	3/18/20	14.56	1689.44		-12.57	-2.42	9.19	-1.37
10N4E-20D01S @ 300 ft bgs	3/18/10	166.09	1568.91	5/9/16	176.86+	<1558.14	O	-10.77+	NC	6.14	-1.80+
10N3E-25A02S @ 146 ft bgs	3/12/10	18.54	1696.46	3/3/20	25.60	1689.40		-7.06	-1.37	3.98	-1.77

1. Depth listed to bottom of well casing

2. Date of most recent seasonal measurement, or first date well was continuously dry or obstructed.

3. Comments - **D** = Dry; **O** = Obstructed

4. Total difference calculated using seasonal measurements, spring or fall. For obstructed wells values given are minimum differences.

5. Difference calculated from past seasonal measurement with accuracy to nearest hundredth of a foot;

NC = not calculated due to missing measurement; **Bolded** values are greater than long-term average in column 12.

6. Based on last date gw depth measured. **Bolded values** are rates of decline more than the basin long-term average of -2 feet/year

EXHIBIT 6A

Baja Subarea

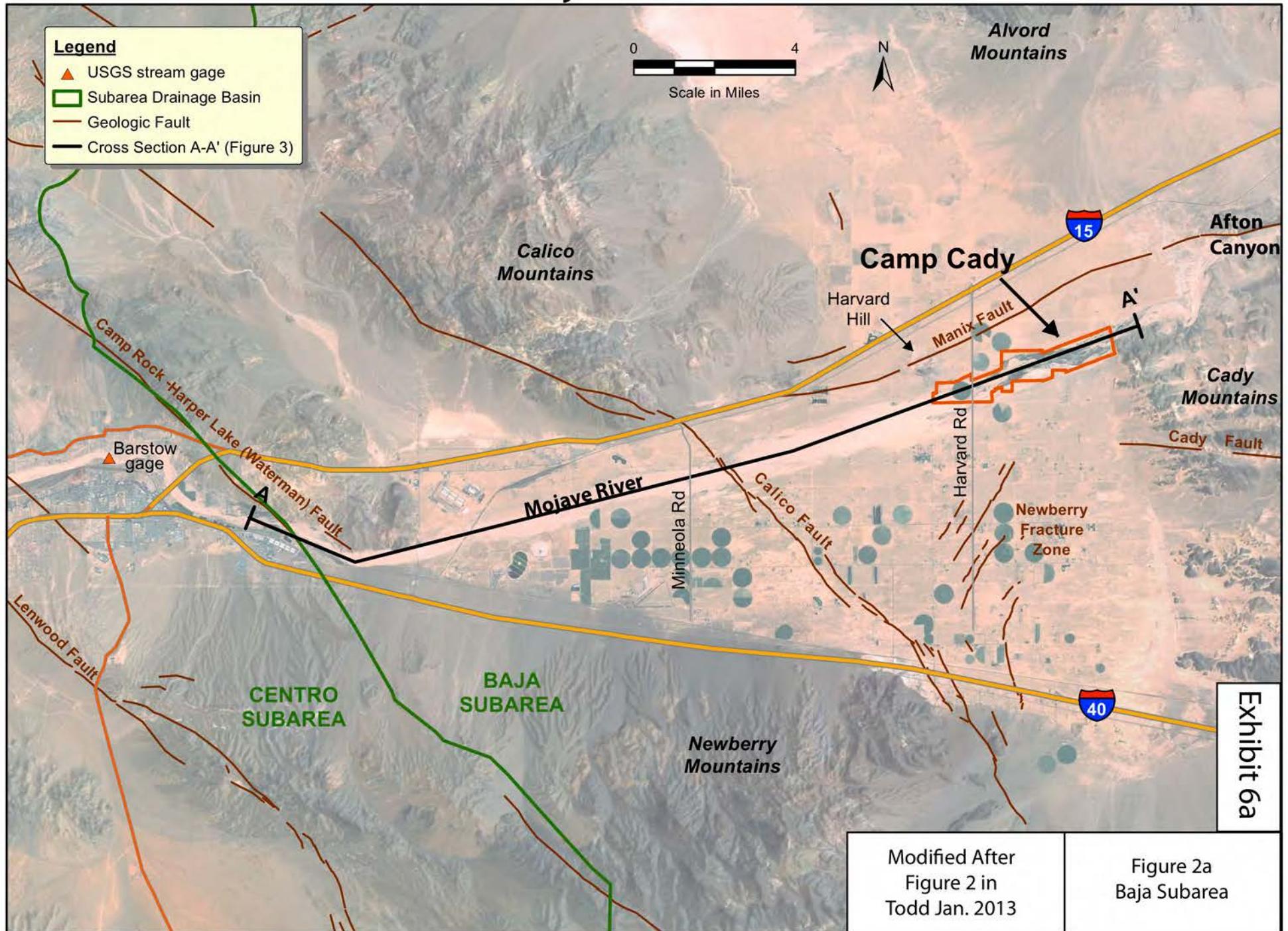


EXHIBIT 6B

Groundwater Wells at Camp Cady

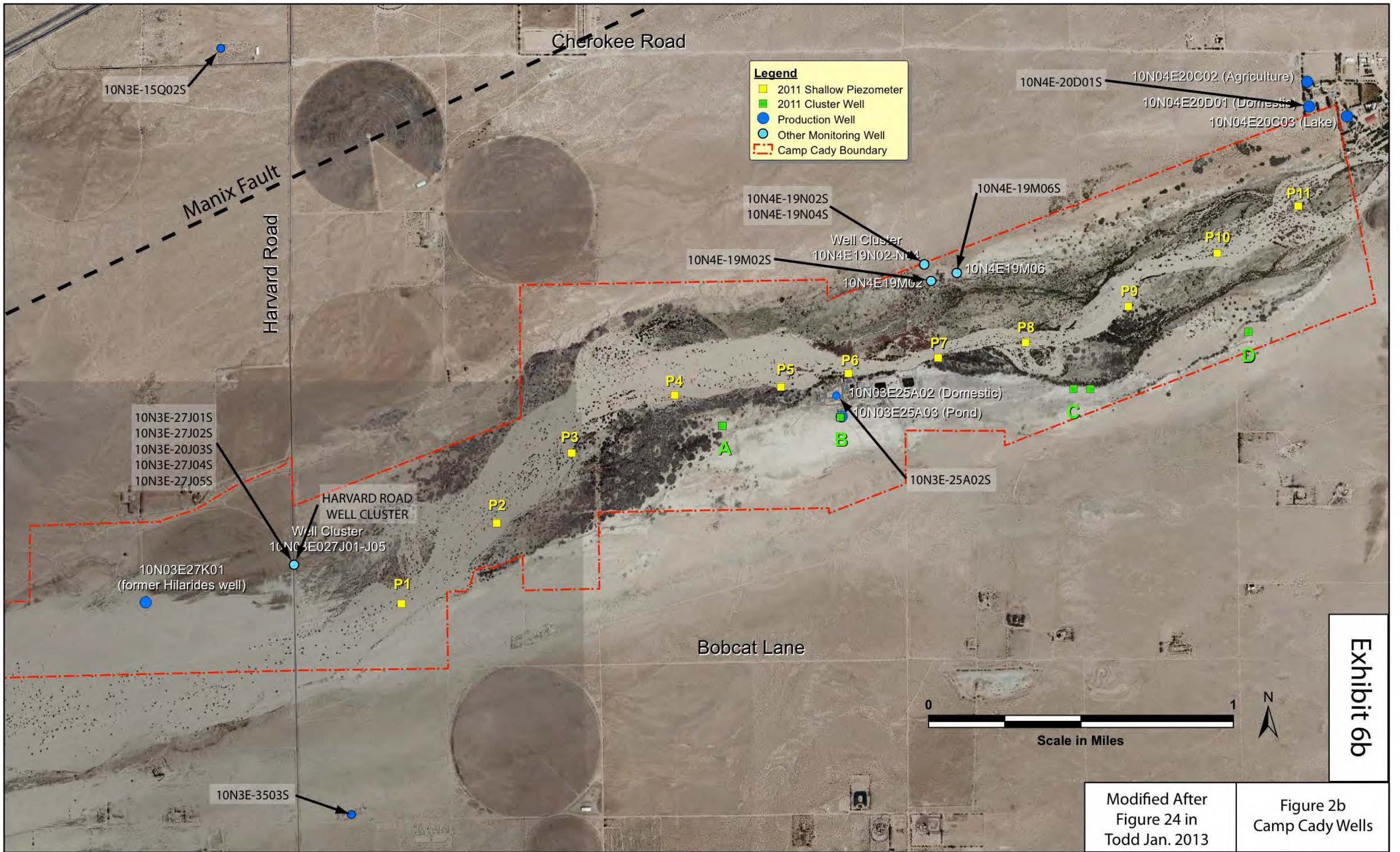


Exhibit 6b

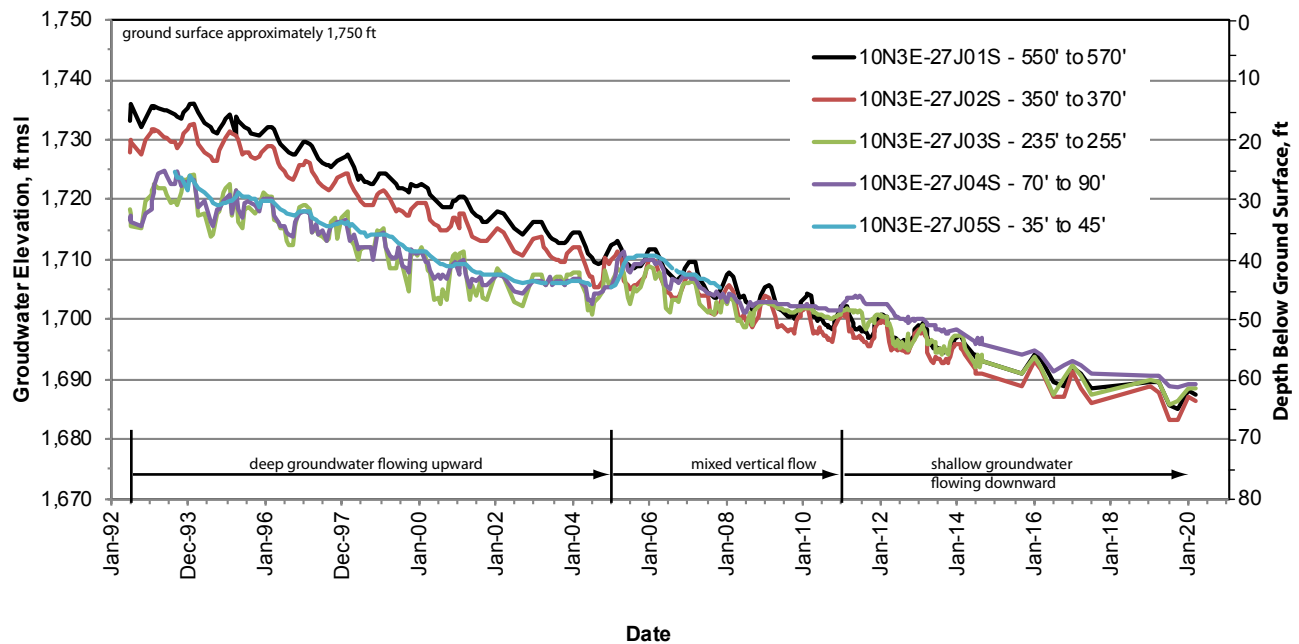
Modified After
Figure 24 in
Todd Jan. 2013

Figure 2b
Camp Cady Wells

EXHIBIT 7

**Mojave River, Baja Sub-Basin
Harvard Road Well Cluster
Wells 10N3E-27J01S - 27J05S**

Figure 3a



**Mojave River, Baja Sub-Basin
Harvard Road Well Cluster
Wells 10N3E-27J01S vs 27J04S vs 27J05S**

Figure 3b

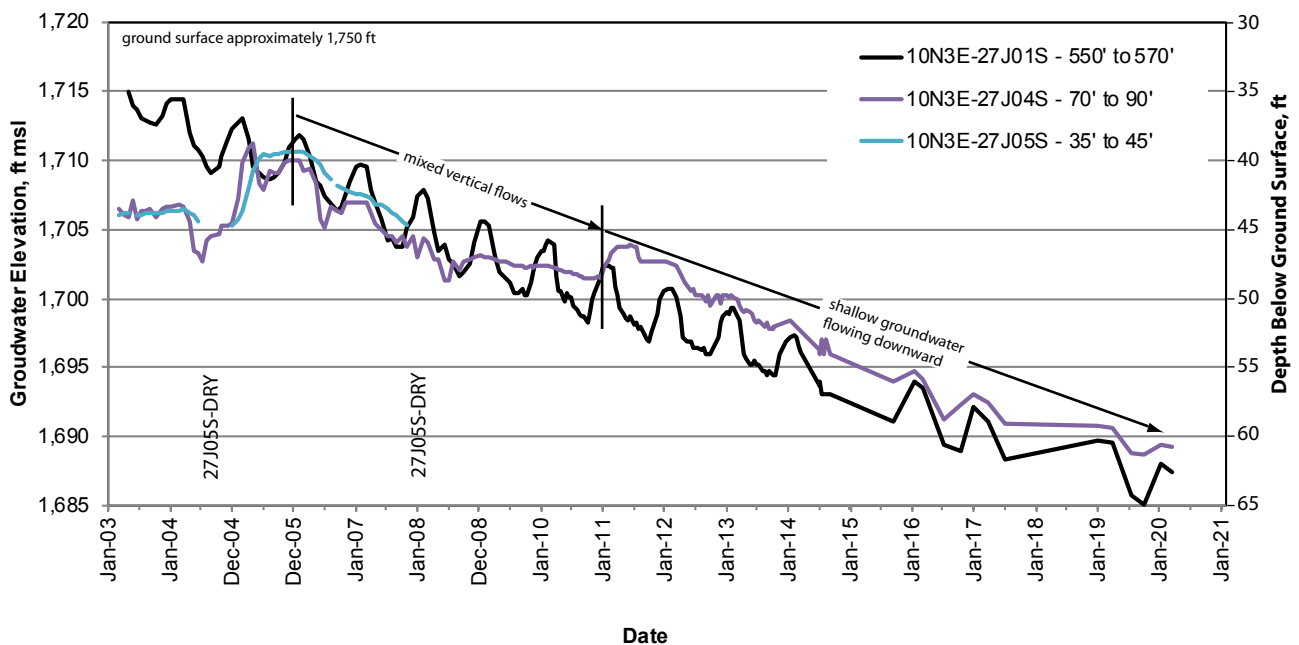
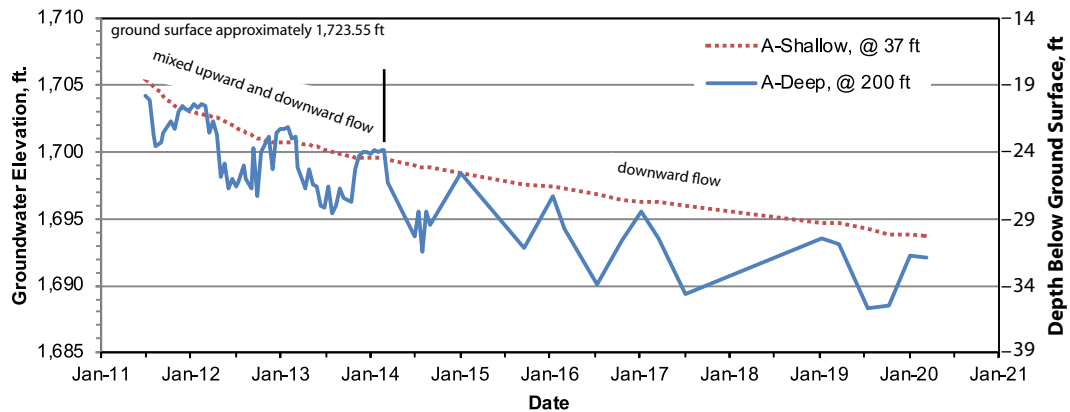


EXHIBIT 8

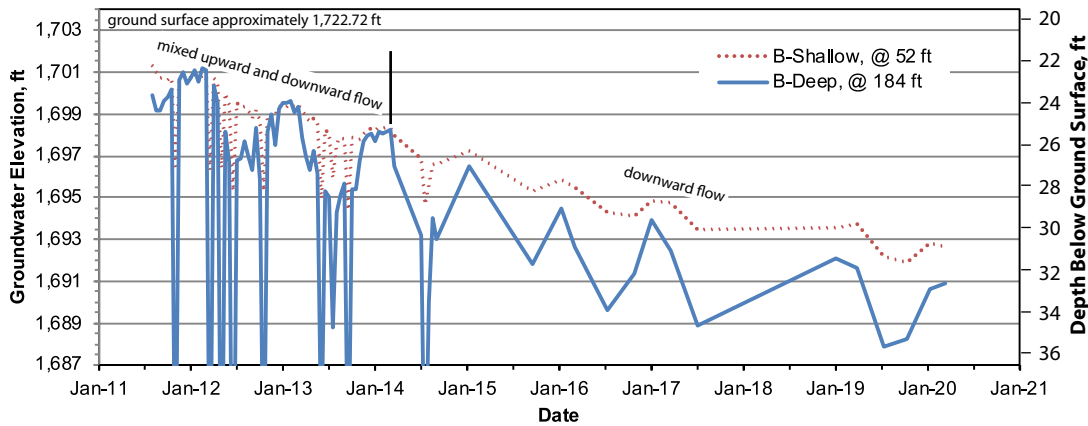
**Mojave River - Baja Subarea
Camp Cady A-Cluster
Shallow and Deep Wells**

Figure 4a



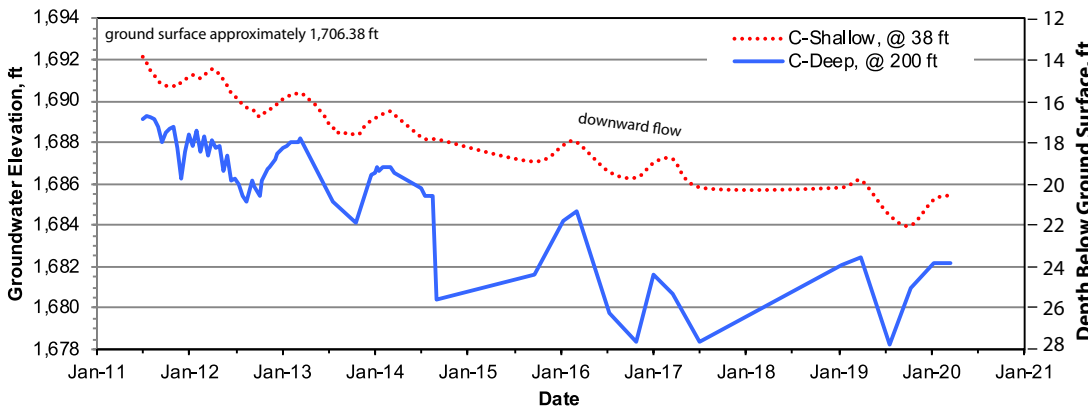
**Mojave River - Baja Subarea
Camp Cady B-Cluster
Shallow and Deep Wells**

Figure 4b



**Mojave River - Baja Subarea
Camp Cady C-Cluster
Shallow and Deep Wells**

Figure 4c



DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **City of Barstow, et al. v. City of Adelanto, et al., and All Related Cross Actions**

Case 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 May 29, 2020, I served the attached **DECLARATION OF KIT CUSTIS IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO WATERMASTER'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR THE 2020-2021 WATER YEAR** by placing a true copy thereof enclosed in a sealed envelope with the **Federal Express 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 May 29, 2020, at Los Angeles, California.

Beatriz Davalos

Declarant



Signature



eSubmit – Document Submission Portal

Delivery Confirmation

Submission ID		Date Received			
10279677		5/29/2020 3:24:37 PM			
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3631 10th Street		Riverside		CA	92501
Phone Number	Fax Number	Company / Agency			
(951) 786-9984					
Email Address					
RIV@ACELEGAL.COM					
New Case	Case Number	Case Type		Court Location	
No	CIV208568	Civil		Riverside	
Fee Waiver or Other Exemption					
Exempt Pursuant to G.C. §6103					
Filing as an Attorney		Bar Number	Attorney for		
No					
Documents					
1 Memorandum of Points and Authorities					
2 Declaration of Alisa Ellsworth					
3 Declaration of Kit Custis					
Notes / Special Instructions					
IMPORTANT: This document serves as a confirmation of delivery only and the submitted documents have not yet been processed and/or filed by the Superior Court of California, County of Riverside.					

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 June 1, 2020, 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 MEMORANDUM OF POINTS AND AUTHORITIES IN RESPONSE TO WATERMASTER'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR WATER YEAR 2020-2021

DECLARATION OF ALISA ELLSWORTH IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO WATERMASTER'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR THE 2020-2021 WATER YEAR

DECLARATION OF KIT CUSTIS IN SUPPORT OF THE DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO WATERMASTER'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR THE 2020-2021 WATER YEAR

 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 June 1, 2020 at Apple Valley, California.



Valerie Wiegstein

Mojave Basin Area Watermaster Service List as of June 01, 2020

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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Nereida.Gonzalez@gswater.com)
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Attn: Denise Johnson
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Lucerne Valley, CA 92356-1035

Gray, George F. and Betty E.
975 Bryant
Calimesa, CA 92320-1301

Attn: Brian E. Bolin
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Attn: Nick Grill (terawatt@juno.com)
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19945 Round Up Way
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Attn: William Handrinos
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Adelanto, CA 92301-9308

Attn: Donald F. Hanify
Hanify, Michael D., dba - White Bear Ranch
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Attn: Matt Wood (Matt.Wood@Hanson.com)
Hanson Aggregates WRP, Inc. (via email)
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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Hert, Scott
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Attn: Jeremy McDonald
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Attn: Gretchen Horton
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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Attn: Sepoong & Woo Poong Lee
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#6 Ensueno East
Irvine, CA 92620-

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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Maloney, Janice
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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Mojave Basin Area Watermaster Service List as of June 01, 2020

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Mojave Basin Area Watermaster Service List as of June 01, 2020

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