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

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

14 MOJAVE BASIN AREA WATER CASES

15 CITY OF BARSTOW, et al.,

16 Plaintiff,

17 v.

18 CITY OF ADELANTO, et al.,

19 Defendant.

JCCP NO.: 5265
Lead Case No. CIV 208568

Assigned for All Purposes to the
Honorable Harold W. Hopp, Dept. 1

Honorable Craig G. Reimer, Judge Presiding
by assignment of the Chief Justice

**DECLARATION OF ANTHONY
BROWN IN SUPPORT OF GOLDEN
STATE WATER COMPANY'S
MOTION TO ENFORCE JUDGMENT**

[Filed concurrently with Golden State
Water Company's Motion to Enforce
Judgment; Declarations of Toby Moore and
Stephanie Osler Hastings; Evidence in
Support of Motion to Enforce Judgment;
Proposed Order]

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

Reservation ID: 562595011427

1 I, Anthony Brown, hereby declare:

2 1. I know the matters set forth herein of my own personal knowledge and, if called as
3 a witness herein, I could and would testify competently thereto.

4 2. I make this declaration in support of Golden State Water Company (“**GSWC**”)’s
5 Motion to Enforce Judgment.

6 3. I am the founder, Chief Executive Officer (“**CEO**”), and Principal Hydrologist at
7 aquilogic, Inc. (“**aquilogic**”). Prior to founding aquilogic, I served as Senior Vice-President at
8 WorleyParsons and the global leader for their Environment business. Prior to WorleyParsons, I was
9 the CEO and one of the founding principals at Komex Environmental Ltd. (“**Komex**”), a global
10 environmental and water resources consulting company. In late 2005, Komex was acquired by
11 WorleyParsons. I received a Master’s degree in Engineering Hydrology and postgraduate diploma
12 in Civil Engineering from Imperial College London in 1988, and a Bachelor’s degree in Geography
13 from King’s College London in 1985. A copy of my Curriculum Vitae, which truthfully and
14 accurately describes my professional qualifications, is attached hereto as Appendix C to my Expert
15 Report prepared for this matter (see ¶ 10 below).

16 4. I have more than 35 years of experience in many aspects of infrastructure
17 engineering and environmental consulting, with a focus on hydrologic science, water resources,
18 environmental engineering, and water treatment and supply. During my career, I have managed or
19 directed an extensive number of water resources projects, including: (i) assessment and
20 development of groundwater resources; (ii) development of water budgets; (iii) determination of
21 safe and sustainable yield; (iv) water rights disputes, including basin adjudications; (v) preparation
22 and review of Groundwater Sustainability Plans in accordance with the Sustainable Groundwater
23 Management Act (“**SGMA**”); (vi) evaluation of undesirable results from groundwater production;
24 (vii) assessments of groundwater-surface water interaction that supports groundwater dependent
25 ecosystems; (viii) evaluation of water quality concerns, notably from agricultural and industrial
26 pollutants; (ix) development of numerical groundwater flow models; and (x) preparation and
27 implementation of physical solutions.

1 5. I am currently providing consulting services related to SGMA and other
2 groundwater management matters in more than 40 groundwater basins in California. These include:
3 the Mojave Basin, numerous basins in the San Joaquin Valley (e.g., Kern Sub-basin), Central Coast
4 (e.g., Las Posas Basin), desert southwest (e.g., Borrego Valley), and north coast (e.g., Napa Valley
5 Basin). In the past, I have also worked on matters in an additional 22 basins in California.

6 6. Aquilogic was hired by the law firm of Brownstein Hyatt Farber Schreck, LLP
7 (“**Brownstein**”) to assist GSWC with technical hydrology and hydrogeology analyses associated
8 with GSWC’s operations in the Centro Subarea of the Mojave Basin, including implementation of
9 the Judgment in this action.

10 7. Part of aquilogic’s scope of work includes review of historical stream flow data,
11 analysis of the hydrology and hydrogeology of the Centro Subarea and Alto Subarea (including the
12 Transition Zone),¹ and review of the Watermaster’s recent update of the Production Safe Yield
13 (“**PSY**”) calculation for each of the Subareas. (See also ¶ 9 below.)

14 8. In support of my work, I reviewed and am familiar with the Judgment in this action.
15 Under the Judgment, the Mojave Basin Area is divided into five hydrologically connected Subareas
16 (Alto, Baja Centro, Este, and Oeste). The Judgment establishes a Physical Solution wherein
17 Producers in each Subarea have obligations to ensure surface water inflows and subsurface inflows
18 reach the neighboring downstream or downgradient Subarea. The Alto Subarea is upstream of the
19 Centro Subarea. The Transition Zone is the farthest downstream portion of the Alto Subarea and
20 forms a boundary with the Centro Subarea. The Mojave Basin Area is characterized by desert
21 conditions. Many reaches of the Mojave River are dry for extended periods. The majority of natural
22 Mojave River flow occurs during and immediately following periods of intense storms, which can
23 be separated in time by years to decades.

24 9. Also, in support of my work, I reviewed and am familiar with the following:

- 25 • the Court’s September 16, 2022 Order wherein the Court tasked the
26 Watermaster with updating the PSY for all Subareas of the Basin Area under

27
28 ¹ All capitalized terms not defined here have the same meaning as set forth in the Judgment.

- 1 the Judgment in this action;
- 2 • the Watermaster Engineer’s Production Safe Yield & Consumptive Use
- 3 Update, dated February 28, 2024 (“**2024 PSY Update**”);
- 4 • the Watermaster Thirtieth Annual Report of the Mojave Basin Area
- 5 Watermaster, Water Year 2022-23, dated May 1, 2024 (“**30th Annual**
- 6 **Report**”);
- 7 • Appendix L to the 30th Annual Report; and
- 8 • the Court’s July 3, 2024 Order ruling on the Watermaster’s Annual Motion
- 9 to Adjust Free Production Allowance for Water Year 2024-25.

10 True and correct copies of the documents identified in this Paragraph 9 are attached as **Exhibits 2,**

11 **4, 5, 6,** and **3,** respectively, to GSWC Evidence in Support of GSWC’s Motion to Enforce

12 Judgment (“**GSWC Evidence**”) filed concurrently herewith.

13 10. I supervised and performed the analysis set forth in the September 2024 Expert

14 Report of Anthony Brown: Hydrologic Conditions and Water Flow Between the Alto Subarea and

15 the Centro Subarea of the Mojave Basin (“**Expert Report**”). A true and correct copy of my Expert

16 Report is attached as **Exhibit 1** to GSWC Evidence.

17 11. As a result of aquilogic’s investigation of hydrologic conditions in the Mojave Basin

18 relevant to inflow to the Centro Subarea from the Transition Zone of the Alto Subarea, as further

19 described in my Expert Report, it is my opinion that:

- 20 1. Production wells operated by GSWC in the Centro Subarea of the
- 21 adjudicated Basin are experiencing chronic water level declines. In simple
- 22 terms, considering a conservation of mass, groundwater level declines (i.e.,
- 23 loss of storage) result from excessive discharge (e.g., over-pumping) and/or
- 24 insufficient recharge (e.g., river seepage).
- 25 2. Based on currently available data and analyses performed by aquilogic, the
- 26 observed chronic water level declines at GSWC’s production wells in the
- 27 Centro Subarea do not result from over-pumping at the wells.
- 28 3. Thus, it is more likely that recharge to the Centro Subarea from the Alto

1 Subarea has decreased and contributed to the observed chronic water level
2 declines.

3 4. There is currently a deficit in the volume of water producers in the Alto
4 Subarea are obligated under the Judgment to deliver as recharge to the
5 Centro Subarea.

6 5. The Watermaster for the adjudicated Basin should take actions to better
7 quantify recharge to Centro Subarea, notably stream flows in the Mojave
8 River and subsurface flow.

9 6. The Watermaster should also address recommendations presented in Section
10 6.0 of the Expert Report to ensure more effective management of
11 groundwater in the Basin.

12 (See also GSWC Evidence, Exh. 1, p. 14.)

13 12. My Expert Report cites six reports that describe the use of remote sensing to measure
14 evapotranspiration and streamflow when the use of stream gages is not feasible, namely:

- 15 • Cha, M., Li, M., Wang, X. (2020). Estimation of Seasonal
16 Evapotranspiration for Crops in Arid Regions Using Multisource Remote
17 Sensing Images. July 21. <https://doi.org/10.3390/rs12152398>.
- 18 • Gleason, C.J. and Durand, M.T., Remote Sensing of River Discharge: A
19 Review and a Framing for the Discipline, Remote Sensing Vol. 12, No. 1107
20 (Mar. 31, 2020) <https://doi.org/10.3390/rs12071107>.
- 21 • Masafu, C., Williams, R., and Hurst, M.D., Satellite Video Remote Sensing
22 for Estimation of River Discharge, Geophysical Research Letters, 50,
23 e2023GL105839 (Mar. 31, 2020) <https://doi.org/10.1029/2023GL105839>.
- 24 • Conaway, J., Eggleston, J., Legleiter, C.J., Jones, J.W., Kinzel, P.J., Fulton,
25 J.W., Remote Sensing of Streamflow in Alaska Rivers—New Technology
26 to Improve Safety and Expand Coverage of USGS Streamgaging, U.S.
27 Geological Survey Fact Sheet 2019–3024. (Apr. 2019)
28 <https://doi.org/10.3133/fs20193024>.

- 1 • Holmes, T.R.H. (2019). Chapter 5 – Remote sensing techniques for
2 estimating evapotranspiration. In: Extreme Hydroclimatic Events and
3 Multivariate Hazards in a Changing Environment. June 6.
4 <https://ntrs.nasa.gov/api/citations/20210011848/downloads/26861.pdf>.
- 5 • Kustas, W.P., Norman, J.M. (2009). Use of remote sensing for
6 evapotranspiration monitoring over land surfaces. December 24.
7 <https://doi.org/10.1080/02626669609491522>.

8 I directed aquilologic staff to download copies of the above reports from the hyperlinks above on or
9 about September 3, 2024. True and correct copies of these reports are attached as **Exhibits 7, 8, 9,**
10 **10, 11, and 12** respectively, to GSWC Evidence.

11 13. My Expert Report references numerous Watermaster reports and other hydrologic
12 reports and documents that are labeled with cross-references to reports and documents contained
13 in the GSWC Evidence. (See Exhibit 1, Section 7.0 References.) A true and correct copy of each
14 labeled reference is attached as an Exhibit to GSWC Evidence along with a hyperlink to the source
15 of the report or document. Documents or reports without hyperlinks are available from the Mojave
16 Water Agency website here: <https://www.mojavewater.org/data-maps/regional-studies/>.

17 14. My Expert Report contains several figures and tables, all of which were prepared by
18 aquilologic staff at my direction. The source(s) of the data for each figure and table is identified on
19 each figure and table and also in Section 7.0 Reference of my Expert Report. Certain figures in
20 Section 5.0 of the Expert Report rely on GSWC well data, which is available at the hyperlink
21 included in **Exhibit 16** to GSWC Evidence.

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

Executed on September 5, 2024 at San Francisco, California.



ANTHONY BROWN

PROOF OF SERVICE

I am a citizen of the United States and employed in Santa Barbara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Brownstein Hyatt Farber Schreck, LLP, 1021 Anacapa Street, 2nd Floor, Santa Barbara, California 93101-2711. On September 5, 2024, I served a copy of the within document(s):

DECLARATION OF ANTHONY BROWN IN SUPPORT OF GOLDEN STATE WATER COMPANY'S MOTION TO ENFORCE JUDGMENT

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address MEldridge@bhfs.com to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful

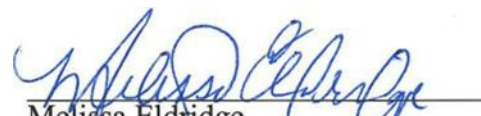
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Mojave Basin Area Watermaster

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 5, 2024, 2024, at Santa Barbara, California.


Melissa Eldridge

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 13846 Conference Center Drive, Apple Valley, California 92307.

On September 6, 2024, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing each document being served, to each Party or its designee according to the official service list, a copy of which is attached hereto, and which shall be maintained by the Mojave Basin Area Watermaster pursuant to Paragraph 37 of the Judgment. Served documents will be posted to and maintained on the Mojave Water Agency's internet website for printing and/or download by Parties wishing to do so.

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

DECLARATION OF ANTHONY BROWN IN SUPPORT OF GOLDEN STATE WATER COMPANY'S MOTION TO ENFORCE JUDGMENT

 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 6, 2024 at Apple Valley, California.



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Mojave Basin Area Watermaster Service List as of September 06, 2024

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Mojave Basin Area Watermaster Service List as of September 06, 2024

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Mojave Basin Area Watermaster Service List as of September 06, 2024

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Mojave Basin Area Watermaster Service List as of September 06, 2024

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Mojave Basin Area Watermaster Service List as of September 06, 2024

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