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*Exempt from filing fee pursuant to
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7 Attorneys for Defendant/Cross-Complainant,
8 MOJAVE WATER AGENCY

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

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

JCCP NO.: 5265
Lead Case No: CIV 208568

13 MOJAVE BASIN WATER CASES

Dept. 1, Riverside Superior Court
Hon. Harold W. Hopp, Judge Presiding

14 CITY OF BARSTOW,
15 Plaintiff,

**WATERMASTER'S OBJECTION TO
ANTHONY BROWN DECLARATION**

16 vs.

Date: October 2, 2024
Time: 8:30 a.m.
Dept.: 1
Reservation ID: 562595011427

17 CITY OF ADELANTO, et al.,
18 Defendant.

Hon. Craig G. Riemer, Judge Presiding By
Assignment

19 AND RELATED CROSS ACTIONS
20

21
22 The Mojave Water Agency, as Watermaster for the Mojave Basin Area, submits this
23 Objection to the declaration of Anthony Brown offered in support of GSWC's motion to enforce
24 the Judgment.

25 **OBJECTION:**

26 To be admissible, an expert's opinion must be supported by sufficient facts to validate
27 it in the eyes of the finder of fact (*Eddins v. Redstone* (2005) 134 Cal.App.4th 290, 317). Expert
28 opinion unaccompanied by reasoned explanation connecting factual predicates to ultimate

1 conclusion has no evidentiary value (*Dina v. People ex rel Dep't of Transp.* (2007) 151
2 Cal.App.4th 1029, 1049).

3 **A. Anthony Brown declaration**

4 Mr. Brown has not performed any independent analysis or investigation of the cause(s)
5 of declining water levels in the GSWC wells located approximately 20 miles from the Alto
6 Subarea. Instead, Mr. Brown merely relies upon and repeats a conclusion in the Aquilogic
7 report. While that might be sufficient in some instances, it is not sufficient here. That is so (as
8 demonstrated in Watermaster's Opposition to the GSWC motion), because the analysis
9 performed by Aquilogic:

10 • Fails to consider or explain why Centro Subarea wells located closest to the Alto Subarea
11 have experienced stable water levels, evidencing that recharge to the Centro Subarea had not
12 decreased;

13 • Fails to consider the amount of flow from the Alto Subarea lost to recharge of
14 groundwater underlying the dry river bed in the nearly 20 mile expanse between the eastern
15 border of the Alto Subarea and the GSWC well field;

16 • Is not conclusive as to whether the groundwater extractions by GSWC and others in the
17 vicinity of the GSWC wells is a cause of the observed declining water levels;

18 • Fails to consider other possible causes of the declining water levels in its well field,
19 including flow-impeding faults, frequency and intensity of storms, groundwater flow patterns
20 and transmissivity distribution (ability of the sediments to transmit water to the wells), flow
21 migrating to the Harper Valley or Iron Mountain areas, etc.

22 • Relies upon admittedly inaccurate and unreliable data from the Wild Crossing Gage
23 during the limited time period from 1966 to 1970; and

24 • Is based upon the incorrect assumption that the Alto Subarea owes a Subarea Obligation
25 to the Centro Subarea, i.e., "There is currently a deficit in the volume of water producers in the
26 Alto Subarea are obligated under the Judgment to deliver as recharge to the Centro Subarea"

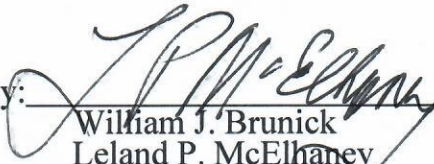
27 (Brown Dec., 5:3-5)

28 \\\

1 Therefore, Mr. Brown’s expert opinion that, “it is more likely that recharge to the Centro
2 Subarea from the Alto Subarea has decreased and contributed to the observed chronic water
3 level declines” in GSWC’s well field, is inadmissible because it is not supported by sufficient
4 facts to validate his opinion, and it is unaccompanied by a reasoned opinion connecting factual
5 predicates to his ultimate conclusion.

6 Dated: September 20, 2024

BRUNICK, MCELHANEY & KENNEDY PLC

7
8
9 By:  _____
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11 Leland P. McElhaney
12 Attorneys for Defendant/Cross-complainant,
13 MOJAVE WATER AGENCY
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PROOF OF SERVICE

**STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}**

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

On September 23, 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:

WATERMASTER'S OBJECTION TO ANTHONY BROWN DECLARATION

 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 23, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

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Attn: Jeremy McDonald
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Hesperia Water District (via email)
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Attn: Jeremy McDonald
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Hesperia, City of (via email)
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Attn: Carabeth Carter ()
Hettinga Revocable Trust (via email)
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Horton Family Trust
47716 Fairview Road
Newberry Springs, CA 92365-9258

Attn: Ester Hubbard
Hubbard, Ester and Mizuno, Arlean
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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Johnston, Harriet and Johnston, Lawrence W.
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Attn: Magdalena Jones
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Lucerne Valley, CA 92356

Attn: Lee Logsdon
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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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Mojave Basin Area Watermaster Service List as of September 23, 2024

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