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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

JCCP NO.: 5265
Lead Case No. CIV208568

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

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

15 CITY OF BARSTOW, et al.,
16 Plaintiff,
17
18 v.
19 CITY OF ADELANTO, et al.,
20 Defendant.

**GOLDEN STATE WATER
COMPANY'S REPLY BRIEF TO
OPPOSITIONS TO MOTION TO
ENFORCE JUDGMENT**

[Filed concurrently with Declaration of
Stephanie Osler Hastings]

Date: October 2, 2024
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1 **I. INTRODUCTION**

2 Mojave Basin Watermaster’s (“**Watermaster**” or “**WM**”) Opposition to Golden State Water
3 Company’s (“**GSWC**”) Motion to Enforce the Judgment (“**Motion**”) and, before that, GSWC’s
4 multi-year effort to urge Watermaster to conduct further investigation and study of why water levels
5 in the Centro Subarea continue to decline over time, is perplexing. Watermaster is the arm of the
6 Court and is charged with impartially administering the Judgment, and the physical solution it
7 contains, in a manner that ensures maximum beneficial use of the waters of the Mojave Basin Area.
8 GSWC’s Motion, which is supported by an independent technical analysis, concludes Watermaster’s
9 2024 PSY Update does not comport with reality, as evidenced by declining water levels in the Centro
10 Subarea, and *likely* overestimates inflows into the Centro Subarea. Accordingly, GSWC seeks an
11 order requiring Watermaster to do nothing more than study this anomaly further, specifically, to re-
12 evaluate its calculation of Production Safe Yield (“**PSY**”) for the Alto Subarea, including the
13 Transition Zone, and the Centro Subarea using the best available data and employing sound science
14 and engineering estimates, as required by the Judgment.

15 First, this Reply highlights the undisputed facts, namely the actions that the Watermaster
16 Engineer and GSWC’s expert agree are appropriate to implement the Judgment. Second, it disposes
17 of two pernicious arguments—the evidentiary burden required to bring a motion and Watermaster’s
18 interpretation of the Alto Subarea Obligation—that distract from the Motion before the Court and,
19 if accepted, would undermine the ongoing administration of the Judgment. Third, it refocuses on the
20 fundamental concern raised by the Motion—the accuracy of the Transition Zone water budget and
21 its corresponding impacts on PSY and other required calculations. Finally, the Reply resolves
22 procedural concerns raised by Victorville Water District (“**Victorville**”) and the City of Hesperia
23 (“**Hesperia**”).

24 **II. WATERMASTER ENGINEER AGREES THAT ADDITIONAL ACTIONS ARE
25 NEEDED TO IMPROVE THE WATER BUDGET**

26 GSWC is pleased to learn that Watermaster Engineer, Robert C. Wagner, P.E.
27 (“**Watermaster Engineer**”) agrees with GSWC that Watermaster should make certain
28 improvements to its data collection and analytical modeling, including those sought by GSWC’s
proposed Order. In its Technical Memorandum, dated February 17, 2024 (“**Tech Memo**”), the

1 Watermaster **Engineer** commits to the following actions recommended by GSWC’s expert, Mr.
2 Anthony Brown of aquilogic, Inc. (“**aquilogic**”), in his Expert Report (GSWC 0002-161) in support
3 of the Motion:

- 4 • studying riparian vegetation using satellite-based remote sensing tools to update
5 consumptive use values for Phreatophytes;¹
- 6 • studying the use of remote sensing to approximate Mojave River flow discharge; and
- 7 • expanding the Upper Mojave River Basin Model (“**UMRBM**”) to include the
8 Transition Zone, Centro and Baja Subareas.

9
10 (Compare Tech Memo, pp. 8, 10 to GSWC 0034-36 [see Section 6, Recommended Actions 1, 2;
11 6.2; 6.3];² [Proposed] Order, p. 2.) As a result, notwithstanding Watermaster’s Opposition, these
12 actions are necessary, appropriate, and undisputed.

13 **III. THE JUDGMENT DOES NOT REQUIRE GSWC (OR ANY OTHER PARTY) TO**
14 **PROVE THE NEGATIVE**³

15 Any Party may bring a motion to review “[a]ny action, decision, rule or procedure of
16 Watermaster.” (Judgment, ¶ 36.) Every motion must be supported by substantial evidence and all
17 parties are entitled to a hearing to admit evidence. (See, e.g., *Antelope Valley Groundwater Cases*
18 (2020) 59 Cal.App.5th 241, 249, 260; *Hillside Memorial Park & Mortuary v. Golden State Water*
19 *Co.* (2011) 205 Cal.App.4th 534, 547; Judgment, ¶ 36(d).) In its July 3, 2024 Order on the
20 Watermaster’s Annual Motion to Adjust Free Production Allowance for Water Year 2024-2025
21 (“**FPA Order**”), this Court made clear that:

22 [a]ny expert opinions offered either in support of or in opposition to
23 any motion shall be limited to opinions that (a) are stated to be more
24 likely than not true and (b) are supported by such analysis and

24 ¹ The Watermaster Engineer also is “not opposed” to similar analysis for agricultural uses.

25 ² GSWC notes for the Court’s convenience that its Motion did not include parallel citations to the
26 Batestamp numbers (“GSWC 0001, etc.”) provided in the GSWC Evidence. This Reply uses the
27 “GSWC” pages instead since the Oppositions use this convention.

28 ³ GSWC will respond separately to Watermaster’s untimely September 20, 2024 Objection to
Anthony Brown Declaration—which was not served until September 23, 2024, at 4:15 pm
(Declaration of Stephanie Hastings in support of GSWC’s Reply (“Hastings Decl.”), ¶ 4), —
separately and in writing. GSWC reserves all rights and objections with regard to the September
20, 2024 Objection.

1 evidence to allow a finder of fact to understand the reasons for that
2 opinion. (FPA Order, p. 7 ¶ 3.)

3 GSWC’s Motion satisfies these standards. First, it seeks the Court’s de novo review⁴ of
4 Watermaster’s 2024 PSY Update, and second, it is supported by expert opinion that concludes it is
5 “*more likely [than not]* that recharge [inflows] to Centro from Alto has decreased and contributed
6 to the observed chronic water level declines.” (GSWC 0014 [emphasis added], see also GSWC 0033-
7 34.)⁵ GSWC’s evidence⁶ demonstrates that Watermaster’s “simplified water budget is not
8 adequately detailed and does not employ current approaches used throughout California.” (GSWC
9 0014, 0080-86.) In other words, it contains too many estimates and assumptions to permit reasonable
10 reliance on the results. (Motion, p. 16:24-27.) As a result, GSWC’s expert concludes that “[a]
11 detailed water budget with reduced reliance on estimated values is needed,” and therefore,
12 “Watermaster should reevaluate the water budgets for Alto, TZ, and Centro using more current
13 approaches.” (GSWC 0031.)

14 Watermaster—not GSWC or any other Parties—is obligated by the Judgment to calculate
15 PSY using the best available data and employing sound science and engineering estimates.
16 (Judgment, ¶¶ 24(e), (o), (w); see also Judgment, Exh. C, ¶ A.) Watermaster’s administration of the
17 Judgment, including these activities, is funded by the Parties. (Judgment, ¶¶ 24(f), 25-26.) GSWC,
18 a Party and a right holder, does not have the obligation to prove all the ways Watermaster’s PSY
19 calculation may be deficient or inaccurate. Similarly, contrary to Watermaster’s and Victorville’s
20 arguments that there are other possible reasons for decreasing water levels in the Centro Subarea
21 (WM Opp., pp. 9:17-10:21; Victorville Opp., p. 2:24-3:12), GSWC does not have the obligation to
22 disprove every possible alternate theory for why water levels in and around its wells may be
23 declining prior to seeking relief from the Court. The fact that GSWC commissioned an independent
24 expert analysis of the potential impacts of its own pumping on water levels was helpful in narrowing

25 _____
26 ⁴ See Section V.B below.

27 ⁵ In fact, “all opinions” including in the Expert Report comply with the FPA Order. (See GSWC
28 0014 [Summary of Opinions].)

⁶ Hesperia’s argument that GSWC “has not presented new evidence” is patently false (see GSWC
0002-0161) and rebutted by Hesperia’s own argument that Hesperia did not have sufficient time to
respond to GSWC’s “highly technical motion” and therefore demands a continuance to do so
(Hesperia Opp., p. 6:2).

1 down the potential causes, but certainly not required.

2 Finally, it would be an impossible task for GSWC (or any other Party) to disprove all possible
3 theories for why Watermaster’s calculation of 36,338 acre-feet (“AF”), on average, of inflow to the
4 Centro Subarea (Tech Memo, p. 4) does not reasonably compute when compared to declining water
5 levels reduced pumping in both the Transition Zone and the Centro Subarea before bringing a
6 motion when only the Watermaster, not GSWC, has the data and tools required to do so.⁷ (GSWC
7 0014, 0057; Tech Memo, p. 4, Fig. 2.) Requiring a Party to collect data, analyze and dismiss any
8 alternate potentially relevant theory would require the moving Party to replicate the very
9 responsibilities the Judgment imposes **on the Watermaster**. (See Judgment, ¶ 24.) In short,
10 GSWC’s Motion to enforce the Watermaster’s obligations under the Judgment is properly made.

11 **IV. WATERMASTER’S OPPOSITION FAILS TO EXPLAIN WHY FURTHER**
12 **ANALYSIS OF THE WATER BUDGET AND PSY IS NOT REQUIRED**

13 Watermaster’s assertion that the Alto Subarea Obligation “is to the Transition Zone, not
14 Centro Subarea” (WM Opp., 4:20-4:21) is disingenuous and a distraction from the crux of
15 GSWC’s concerns—that the 2024 PSY Update is not based on the best available data and sound
16 science and engineering estimates, as required by the Judgment.

17 **A. The Judgment Requires Subareas to Deliver Water to the Adjacent**
18 **Downstream Subareas**

19 The physical solution included in the Judgment is predicated on the interconnectivity of the
20 Basin and the need to manage each Subarea to protect downstream Producers. (See, e.g., Judgment,
21 ¶¶ A, D, 3, 6, 10(h), 13, 20, 22.) Accordingly, the Judgment provides:

22 In the aggregate, Producers within certain Subareas have rights, as
23 against those in adjoining upstream Subareas, to receive average
24 Annual water supplies and, in any one Year, to receive minimum
25 Annual water supplies equal to the amounts set forth in Exhibit “G”,
26 in addition to any Storm Flows. In turn, in the aggregate, Producers
within certain Subareas have an obligation to provide to adjoining
downstream Subareas such average Annual water supplies in the
amounts and in the manner set forth in Exhibit “G.”

27 ⁷ Newberry Springs Recreational Lake Association’s Response highlights the technical and financial
28 challenges Parties face with bringing a motion to challenge action or inaction by the Watermaster.
(Newberry Resp., p. 2:4-8, 4:7-12.)

1 (Judgment, ¶ 13 [emphasis added].) If Alto Subarea Producers do not “provide” average Annual
2 water supplies or minimum Annual water supplies in a given year to the downstream Centro Subarea,
3 and Centro Subarea Producers do not “receive” that water, then Paragraph 13 of the Judgment is not
4 satisfied, regardless of whether the Watermaster follows the process outlined in Exhibit G.

5 Further, Watermaster’s argument—that the Alto Subarea Obligation is satisfied by delivery
6 of water to the Transition Zone, even if that water never reaches the Centro Subarea—would lead to
7 absurd results. Inflows into the Centro Subarea from the Transition Zone are a key component of its
8 water budget. (GSWC 0019-25, 0204; Motion, pp. 10:18-15:-4; see also Judgment, Exh. C, Tab. C-
9 1 [showing outflows from the Alto Subarea equal inflows into the Centro Subarea].) It is undisputed
10 that reduced or eliminated inflows would likely affect water levels in the Centro Subarea. (See, e.g.,
11 GSWC 0330-32, 0349-53.) Finally, Watermaster has regularly admitted that 23,000 AF was the
12 “Average Annual Subarea Obligation to Centro” in its annual reports. (See Hastings Decl., ¶¶ 5-6,
13 Exhs. 2-3 [depicting the change to Figure 3-10 between the Watermaster Annual Report for Water
14 Year 2020-21 and 2021-22 related to whether the Alto Subarea Obligation is “to the Centro
15 Subarea”]; see also *id.* ¶ 5, Exh. 1 [“Such discharge records are used in the calculations of
16 compliance by Alto Subarea Producers with their obligation to the Centro Subarea.”].)

17 **B. Watermaster’s Obligation to Use the Best Available Data and Sound Science is**
18 **Not Excused Because the Parties Agreed to Measure Alto’s Subarea Obligation**
19 **at the Transition Zone**

20 Even assuming *arguendo* that Watermaster has no obligation to ensure any water enters the
21 Centro Subarea, this does not relieve Watermaster of the requirement to calculate inflows into the
22 Centro Subarea using an accurate water budget. (Judgment, ¶¶ 4(aa), 24(o), Exhs. C & H.) Therefore,
23 Watermaster’s interpretation of the Alto Subarea Obligation is not relevant to whether it has properly
24 performed the PSY calculation as required by the Judgment. The Motion seeks to enforce
25 Watermaster’s obligation to properly perform the calculation. Any suppositions about what
26 arguments may follow Watermaster’s re-evaluation of the 2024 PSY update are premature.

26 **C. Watermaster Ignores GSWC’s Fundamental Concerns About the Transition**
27 **Zone Water Budget**

28 The remainder of Watermaster’s Opposition fails to rebut the Motion’s fundamental

1 concerns with the sufficiency and accuracy of the Transition Zone water budget given its reliance
2 on a number of estimates and assumptions and specifically aquilogic’s expert opinion that
3 Watermaster *likely* overestimates inflows to the Centro Subarea.

4 Watermaster acknowledges that inflows **into the Centro Subarea** are **estimated** or
5 **calculated** (GSWC 0971 [acknowledging there are “ungaged” inflows and outflows to the
6 Transition Zone in Table 1]), but argues that these estimates “are considered reliable and adequate
7 for estimating the water balance in the TZ and calculating outflow across the Helendale Fault” (WM
8 Opp., p. 8:18 [citing Wagner Suppl. Dec., Exh. A, p. 4:3-12].) However, as the Motion demonstrates,
9 Watermaster’s estimated total inflow to the Centro Subarea—approximately 36,338 AFY⁸ (WM
10 Opp., pp. 11:27-12:15; see also Tech Memo, p. 2)—is **double** the **total** average annual verified
11 pumping in the Centro Subarea of 17,773 AFY,⁹ yet water levels throughout the Centro Subarea are
12 declining with time (see Tech Memo, Exh. B: Centro Subarea Hydrographs 2024 [map depicting
13 water levels falling in various areas though the Centro Subarea]; GSWC 0030-31, 0346). Quite
14 simply—this does not make sense. Watermaster Engineer *assumes* that because water levels in the
15 Transition Zone have remained relatively stable over time (Tech Memo, p. 5), and because estimates
16 of inflows to the Centro Subarea have remained relatively constant over time (see Tech Memo, p.
17 2), it therefore follows that Watermaster estimates of inflow to the Centro Subarea are “reliable and
18 adequate.” (WM Opp., p. 8:18.) But as aquilogic concludes, “this assumption may obscure complex
19 groundwater flow dynamics in the TZ that cannot be captured by a simplified water budget.” (GSWC
20 0025.) Watermaster seems to agree. (See WM Opp., p. 10:5-21; see also Tech Memo, p. 7 [referring
21 to a “complex set of processes”].) For example, apparently, pumping in the Transition has decreased
22 over time. (Tech Memo, p. 4, Fig. 2; GSWC 0215.) If pumping (outflows) in the Transition Zone
23 have decreased, what factors are contributing to the relatively constant water levels? Watermaster’s
24 water budget does not provide sufficient information and analysis, as required by the Judgment, to
25

26 ⁸ It is not clear whether Watermaster’s estimated 36,338 AF of average annual inflow to the Centro
27 Subarea includes Make Up water purchases. (Compare Tech Memo, p. 2 [37,205 AF] and p. 4
28 [36,338 AF].)

⁹ Total verified production in the Centro Subarea has decreased by 370 AFY on average and 4,900
AFY total between WY 2005 and WY 2023. GSWC’s production has decreased by 215 AFY on
average and 3,200 AFY total between WY 2005 and WY 2023. (See GSWC 0046.)

1 determine this causation.

2 Total estimated inflow into the Centro Subarea (discussed above) is based on a series of
3 estimates and assumptions, each of which is potentially subject to error. Individually or collectively,
4 errors in one or more of these water budget components could impact Watermaster’s inflow estimate.
5 For example, (1) surface water flows in the Transition Zone at the Helendale Fault are estimated,
6 not measured with a gage or other methods;¹⁰ (2) agricultural consumptive uses in the Transition
7 Zone are estimated, not measured; and (3) estimates of phreatophyte consumptive uses are outdated.
8 (See GSWC 0024-25, 0047-48, 0077.)¹¹ Further, aquilogic explains that while the UMRBM “could
9 be a potentially useful tool” to simulate flows in the Transition Zone, in its present condition, it is
10 too limited—it does not include the Transition Zone or Centro Subarea. (GSWC 0027.)¹² While
11 Watermaster’s opposition indicates that an updated UMRMB is forthcoming (WM Opp., pp. 4:6-13,
12 13:7-19),¹³ this response ignores that the 2024 PSY Update, which is at issue in this Motion, is not
13 supported by a well calibrated model. (GSWC 0026-27; Motion, pp. 16:1-5, 19:1-12.) If
14 Watermaster expects that the updated UMRMB will be ready in 2024 and will improve the water
15 budgets for the PSY calculation, then Watermaster should commit to a re-evaluation of PSY before
16 preparing its next annual report.

17 As a result of Watermaster’s failure to use the best available data and employ sound science,
18 aquilogic concludes that “Watermaster’s water budget assumptions and calculations *likely*
19 overestimate inflow to the Centro Subarea,” (GSWC 0014, 0032-33; Motion, pp. 14:9-17:7), which
20 in turn likely impacts Watermaster’s calculation of PSY. (GSWC 0018-25, 0032.)

21 _____
22 ¹⁰ Watermaster’s statement that “monitoring wells are already located in the TZ and near the
23 Helendale Fault” (WM Opp., p. 7:26-27) is inapposite. Monitoring wells measure water levels
24 below the ground, not surface water flows.

25 ¹¹ As noted in Section II, Watermaster Engineer agrees that remote sensing is an appropriate
26 technique for improving all of these estimates. (Tech Memo, pp. 8, 10.)

27 ¹² As noted in Section II, Watermaster Engineer acknowledges that a well-calibrated model is a
28 “much better tool for this type of study.” (Tech Memo, p. 8.)

¹³ The Watermaster Opposition misquotes the Motion. (WM Opp., p. 13:9-12.) In full, the referenced
sentence expresses an opinion about Watermaster’s response to GSWC comments on the 2024 PSY
Update, specifically that it “demonstrates that Watermaster does not intend to further update the
estimates, assumptions and modeled calculations contained in the water budget that comprises its
PSY calculations.” (Motion, p. 9:21-27 [underline omitted from Watermaster’s quotation].) GSWC
welcomes use of a properly calibrated model to better understand the complex hydrology of the
Transition Zone. (Motion, p. 16:17-27.)

1 **D. Watermaster’s Opposition Deflects from GSWC Water Budget Critique**
2 **Instead of Supporting Its Own Analysis**

3 Instead of engaging with GSWC’s fundamental concerns about whether the Transition Zone
4 water budget is based on the best available data and sound science and engineering estimates for the
5 PSY update, Watermaster’s Opposition deflects with various arguments not relevant to the Motion.

6 Watermaster attempts to dismiss aquilogic’s statistical analysis of water levels in GSWC
7 wells by arguing that the results are not “convincingly conclusive” because 5 out of 17 wells show
8 correlations with depth to water level decreasing as pumping magnitude increases. (WM Opp., p.
9 11:1-17.) While aquilogic acknowledges that groundwater production may play a minor component
10 of observed decrease, it concludes that “[o]ther factors, such as insufficient water supply (i.e.,
11 low/decreased inflows from Alto/TZ) appear to play a major role in observed increases in depth to
12 water over time.” (GSWC 0032.)

13 Watermaster’s Opposition discusses, at length, data and analysis related to the Wild Crossing
14 Gage (see WM Opp., pp. 3:12-17, 5:21-7:21) not included in the instant Motion. Watermaster admits
15 as much (WM Opp., p. 3:12; p. 3, fn 1), yet ignores the evidence actually offered in support of the
16 Motion. (See GSWC 0028-33.)

17 Finally, Watermaster poses various new possible explanations for declining water levels in
18 the Centro Subarea, including that other users’ pumping may affect water levels in GSWC’s wells
19 (WM Opp., pp. 9:19-10:21, 11:20-24; see also Victorville Opp., p. 3:1-12), but fails to rebut
20 GSWC’s fundamental premise—that Watermaster’s water budget is too simplistic to provide any
21 indication why water levels in the Centro Subarea are declining over time, despite estimates of
22 abundant inflows. Watermaster, not GSWC, has the authority and tools to evaluate those possibilities
23 in its administration of the Judgment. (See Judgment, ¶¶ 23, 24(d), (f),(p).)

24 **V. ALL OTHER OBJECTIONS TO GSWC’S MOTION ARE MERITLESS**

25 **A. The Motion Complies with the Judgment and Court Order**

26 Hesperia contends that “the arguments made in GS[WC’s] motion were made by GS[WC]
27 earlier this year, and, at that time, were rejected by the Watermaster **and the Court.**” (Hesperia
28 Opp., p. 2 [emphasis added].) The bolded portion of the statement is false. To the contrary, the

1 Court’s FPA Order expressly authorized GSWC to file the instant motion:

2 In general, the Court approves the Watermaster’s proposed PSY for
3 each subarea. However, that approval is **without prejudice** to
4 challenges to the manner in which the Watermaster has calculated
5 PSY and the sufficiency of the factual investigation on which those
6 calculations are based. For example, Golden State Water Company
intends to bring a motion seeking the relief described in its opposition
to the Watermaster’s motion. **Any such motion by Golden State
shall be filed no later than 7-25-24, or by such later date to which
the Watermaster may agree.** (*Id.*, at 2 [emphasis added].)

7 Hesperia also argues that the hearing on the Motion should be continued because there is
8 insufficient time to prepare an adequate response. (Hesperia Opp., pp. 5-6.) Notwithstanding the fact
9 that this argument contradicts Hesperia’s argument above—that the Motion merely relitigates the
10 arguments GSWC made in its May 22, 2024 Opposition to Watermaster’s Motion to Adjust FPA for
11 Water Year 2024-25 (“**2024-25 FPA Motion**”)—again, the instant Motion fully complies with the
12 Court’s FPA Order, which expressly contemplates a “motion” (e.g., a regular noticed motion) with
13 a hearing date to be set between GSWC and the Watermaster.

14 If Hesperia objected to GSWC bringing the instant Motion in the manner contemplated by
15 the FPA Order, Hesperia could have objected in writing or orally at the June 27, 2024 hearing, or it
16 could have moved for reconsideration of the FPA Order. Hesperia did none of these things.¹⁴ Nor
17 has Hesperia apparently reached out to GSWC or Watermaster to meet and confer about GSWC’s
18 Motion contemplated in the FPA Order. Instead, Hesperia remained silent, allowed the Court to enter
19 the FPA Order, allowed GSWC to meet and confer with Watermaster regarding a hearing date, as
20 the Court directed, and only now seeks to upend the process laid out in the FPA Order at the 11th
21 hour, months after the original date for the Motion contemplated in the FPA Order.¹⁵ Nor does
22 Hesperia substantiate its claim of prejudice by explaining what additional arguments or evidence it
23

24 ¹⁴ It is far too late for Hesperia to move for reconsideration of the FPA Order. (Code Civ. Proc., §§
25 1008(a) [motion for reconsideration must be made within 10 days after service of notice of entry of
the order], (e) [“No application to reconsider any order . . . may be considered by any judge or court
unless made according to this section”].)

26 ¹⁵ GSWC also raised its concerns at least 5 years ago, and numerous times, so all Parties have had
27 abundant notice, in addition to the FPA Order. Finally, even if a Party did not have notice, GSWC’s
28 Motion requests a court order that Watermaster do what the Judgment requires it to do—study the
Basin. Hesperia cannot reasonably be adversely impacted or prejudiced by an order requiring the
Watermaster to conduct further studies. The court approval of the 2024-25 FPA Motion—it is not at
issue in this Motion.

1 would present if given more time. (See *Southern California Gas Co. v. Flannery* (2014) 232
2 Cal.App.4th 477, 492 [prejudice not shown because appellant “d[id] not identify any additional
3 arguments that would have persuaded the court to deny the Discharge Motion if he had had the
4 opportunity to make those additional arguments”].) Under these circumstances, there is simply no
5 legitimate basis for Hesperia’s argument, much less a continuance. (See *Reedy v. Bussell* (2007) 148
6 Cal.App.4th 1272, 1289 [where parties “were expressly placed on notice” that opposing party would
7 be filing a particular motion during trial, including by court order, “[t]here was simply no basis for
8 them to contend they did not realize the issue would be before the court” at that time].)

9 **B. Watermaster Serves as an Arm of the Court and All Actions and Inactions are**
10 **Subject to the Court’s De Novo Review**

11 Victorville argues that Watermaster is appointed to serve in an impartial manner and entitled
12 to deference in administration of the Judgment. (Victorville Opp., p. 2:14-23.) Nothing in the Motion
13 seeks anything other than “impartial” action by the Watermaster. The Motion requests only that
14 Watermaster comply with the Judgment by performing the required calculation of PSY, consistent
15 with the Judgment. (Motion, p. 19:1-20.) Watermaster’s administration of the Judgment is
16 necessarily for the benefit of **all** Parties and the Basin itself. (See Judgment, ¶ 23.)

17 Finally, Victorville’s argument that Watermaster’s calculations of PSY are entitled to some
18 unspecified “deference” is unfounded. The Judgment expressly provides to the contrary—to wit:
19 “[a]ny action, decision, rule or procedure of Watermaster . . . **shall be subject to review by the**
20 **Court[.]**” (Judgment, ¶ 36 (emphasis added).) “The Court’s review shall be de novo and **the**
21 **Watermaster decision or action shall have no evidentiary weight in such proceeding.**”
22 (Judgment, ¶ 36(d) (underline in original, bold added).) In its de novo review, the Court has: “[f]ull
23 jurisdiction, power and authority . . . for interpretation, enforcement or carrying out of this Judgment
24” (Judgment, ¶ 19, see also *id.* at ¶ 24 [specifying that Watermaster is subject to the “supervision
25 and control of the Court”].)

26 **VI. CONCLUSION**

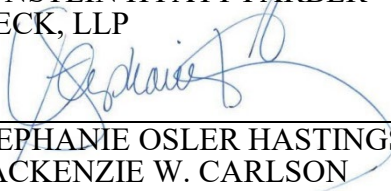
27 For the reasons above, the Oppositions to GSWC’s Motion are without merit. GSWC urges
28 the Court to grant its Motion and issue the proposed Order.

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Dated: September 24, 2024

BROWNSTEIN HYATT FARBER
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By:



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PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within-entitled action. I am employed in Santa Barbara County, California. My business address is Brownstein Hyatt Farber Schreck, LLP, 1021 Anacapa Street, 2nd Floor, Santa Barbara, California 93101-2711. My electronic service address is Meldridge@bhfs.com. On September 24, 2024, I served a copy of the following document(s):

GOLDEN STATE WATER COMPANY'S REPLY BRIEF TO OPPOSITIONS TO MOTION TO ENFORCE JUDGMENT



BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) listed above to be sent to the persons at the e-mail addresses listed below

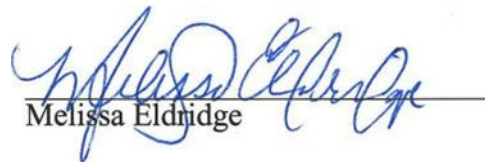
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on September 24, 2024, at Santa Barbara, California.


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 25, 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:

**GOLDEN STATE WATER COMPANY’S REPLY BRIEF TO
OPPOSITIONS TO 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 25, 2024 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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Mojave Basin Area Watermaster Service List as of September 25, 2024

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