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

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

14 **MOJAVE BASIN WATER CASES**

JCCP NO. 5265
CIV 208568 (Lead Case No.)

Dept. 1, Riverside County Superior Court,
Hon. Craig G. Riemer, Judge Presiding

16 CITY OF BARSTOW,

17 Plaintiff,

18 v.

19 CITY OF ADELANTO, ET AL,

20 Defendants.

**DECLARATION OF AARON
JOHNSON IN SUPPORT OF THE
CALIFORNIA DEPARTMENT OF
FISH AND WILDLIFE'S RESPONSE
TO WATERMASTER'S MOTION TO
ADJUST FREE PRODUCTION
ALLOWANCE FOR THE 2025-2026
WATER YEAR**

Date: August 4, 2025
Time: 1:30 p.m.
Dept.: 1

Hon. Craig G. Riemer, Retired Judge of the
Riverside Superior Court, sitting by
Assignment of the Chief Justice

DECLARATION OF AARON JOHNSON

I, AARON JOHNSON, declare as follows:

1. I am presently employed with the California Department of Fish and Wildlife (“Department”) as a Senior Environmental Scientist and have been employed by the Department for approximately ten years. I have a bachelor’s degree in environmental studies from the University of California, Santa Cruz. I have worked in various capacities in the environmental sciences, land conservation, and land management for the past 20 years. I am currently the supervisor for the northern Lands Program covering Mono and Inyo counties, and portions of San Bernardino County for the Inland Deserts Region. (A copy of my current resume is attached hereto as Attachment A.)

2. In my capacity as Senior Environmental Scientist, my responsibilities include preparing, reviewing, and commenting on reports, documents, and data, both scientific and non-scientific; preparing correspondence; managing staff, budgets, and contracts; making recommendations as they relate to public trust resources on behalf of the Department; and representing the Department at meetings of various boards and commissions, including the Mojave River Basin Watermaster Board (“Watermaster Board”).

3. I have been working on natural resource issues within the Mojave River watershed for approximately 4 years, beginning in 2021. In my current Department capacity, I am involved in the management of Department-owned lands in the Mojave River Basin Adjudication, including Camp Cady Wildlife Area (“Camp Cady”) in the Baja Subarea (“Baja”) and Mojave Narrows Regional Park in the Alto Subarea (“Alto”). The Department also owns and is responsible for managing the Mojave River Fish Hatchery in Alto.

4. I am providing this declaration in support of the Department’s Response to the Watermaster’s Motion to Adjust Free Production Allowance for Water Year 2025-2026 (“2025-2026 FPA Motion”), Declaration of Robert C. Wagner in Support Thereof (“2025 Wagner Declaration”) and supporting materials.

1 5. The following facts and opinions are true and correct and if called to testify, I could
2 and would testify completely thereto. I make this declaration based on personal knowledge and on
3 my expert opinion as a Senior Environmental Scientist at the Department.

4 6. The Department is trustee for the state's fish and wildlife resources. (Fish & G. Code,
5 § 711.7.) The Department has jurisdiction over the conservation, protection, and management of
6 fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of
7 those species. (Fish & G. Code, § 1802.) In addition, the Department is an ex-officio member of
8 the Alto and Baja Subarea Advisory Committees and is a party to the judgment in *City of*
9 *Barstow, et al., v. City of Adelanto, et al.*, Riverside County Superior Court Case No. 208568
10 ("Judgment").

11 7. On February 5, 2025, CDFW staff, consultants, and I participated in the first
12 Production Safe Yield ("PSY") update workshop hosted by the Mojave River Basin Area
13 Watermaster ("Watermaster") to receive and discuss information from Watermaster staff on their
14 efforts to update the regional numerical groundwater model identified as the Regional Mojave
15 Basin Area Model ("RMBM"). In addition, we received updates and information on new
16 estimates of consumptive use of water by riparian vegetation (also known as phreatophytes in the
17 Judgment), the Transition Zone water balance, PSY update, and related topics.

18 8. On February 26, 2026, I attended the monthly Watermaster Board meeting to hear
19 discussion pertaining to the agenda item #8 "Consider proposed Recommendation for Free
20 Production Allowance for Water Year 2025-25" and provided public comment, expressing
21 support for the proposed recommendation to hold FPA at levels ordered by the Court in 2024 in
22 Alto, Centro, and Baja, and reminding the Watermaster of the Department's desire to be included
23 in the development and interpretation of the RMBM for future water management decision-
24 making.

25 9. On March 12, 2025, Department staff, consultants, and I participated in the second
26 PSY update workshop to receive and discuss information from Watermaster staff on updates on
27 the RMBM, water use by phreatophytes, Mojave Water Agency water level monitoring program,
28 and the Transition Zone Water Balance.

1 10. On March 26, 2025, Department staff, consultants, and I participated in the third PSY
2 update workshop and informal conference to receive and discuss information from Watermaster
3 staff on updates on the RMBM and proposed Free Production Allowance (“FPA”) for Water Year
4 (“WY”) 2025-2026.

5 11. On April 15, 2025, in advance of the April 23, 2025, Watermaster Board meeting and
6 public hearings to receive comments and adopt the proposed recommendation for FPA for WY
7 2025-26 and draft Thirty-first Annual Report (“Annual Report”), I submitted a letter on behalf of
8 the Department reiterating and expanding upon my earlier comments at the February Watermaster
9 Board meeting, and specifically: 1) expressing Department support for the Watermaster
10 Engineer’s WY 2025-26 FPA recommendations by Subarea; 2) requesting that the Department be
11 given at least 6 months to review and comment on the RMBM before it is used by Watermaster to
12 inform future PSY updates, and encouraging an open and collaborative process with the modeling
13 team; 3) sharing information based on the Department’s review of the long-term datasets
14 associated with the five shallow groundwater monitoring sites identified in the Judgment and
15 associated maximum depth to water criteria for the protection of public trust resources, and
16 specifically the observation that the majority of these monitoring sites have been consistently
17 below the maximum levels needed to support healthy groundwater dependent natural
18 communities for much of the period of record; 4) highlighting the issue of reduced surface water
19 inflow to Baja below the Barstow gage since the base period and the need to investigate this issue
20 further; 4) and providing comments on the draft Annual Report (“Department’s April 2025
21 letter”). (A copy of the Department’s April 2025 letter is attached hereto as Attachment B.) I also
22 summarized these comments in person at the Watermaster Board meeting during the public
23 hearings on April 23, 2025.

24 12. Department staff and I attended and participated in the May 28, 2025, Watermaster
25 Board meeting and the June 11, 2025, fourth PSY update workshop.

26 13. In my opinion and on behalf of the Department, I make the following
27 recommendations and conclusions:
28

1 • The Department supports the Watermaster's recommendation that reductions in
2 FPA in Alto, Centro, Oeste, and Baja are not required pursuant to the Judgment and that
3 FPA should remain at 50.4% of base annual production (BAP) in Alto, 56% of BAP in
4 Centro, 19.5% of BAP in Baja, and 45% of BAP in Oeste, since FPA is within 5% of
5 Production Safe Yield (PSY) in those subareas. The Department also agrees with the
6 recommendation that a 5% reduction in FPA to 45% of BAP in Este is necessary based
7 on the information provided by the Watermaster. CDFW believes that the pumping
8 recommendations provided by the Watermaster are consistent with the Judgment and the
9 Court's June 2024 Ruling on FPA, which urges a cautious approach to groundwater water
10 management for the protection of public trust resources.

11 • As stated in the Department's April 2025 letter, the Department appreciates the
12 ongoing efforts of the Watermaster Engineer and staff to expand the Upper Mojave Basin
13 Model (UMBM) to cover the entire adjudicated area in the new RMBM and understands
14 that the process of developing, calibrating, and interpreting such numerical models is
15 complex and time consuming. As noted by the Department's groundwater expert James
16 Blanke, in his Declaration in Support of the Department of Fish and Wildlife's Response
17 to Watermaster's Motion to Adjust Free Production Allowance for the 2025-2026 Water
18 Year ("2025 Blanke Declaration"), the Department looks forward to engaging with the
19 modeling team as soon as possible to discuss underlying model inputs and assumptions,
20 management scenarios, peer review, and interpretation of model outputs to inform PSY
21 estimates for the various subareas. Given the time needed to provide substantive review
22 and the time required by the Watermaster to incorporate that input, the Department has
23 requested at least 6 months to review, comment, and coordinate on the model before the
24 new tool is used to inform future PSY updates. The Department continues to encourage
25 the Watermaster to provide opportunities for expert peer review with relevant agencies
26 including the United States Geological Survey ("USGS"), other subject matter experts, as
27 well as continued public and stakeholder engagement.
28

1 • With regard to the Watermaster’s new proposed hydrologic base period (2001-
2 2020) in the 2025 Wagner Declaration, the Department agrees that the Watermaster’s
3 proposed new base period is likely more representative of present climatic and cultural
4 conditions (2025 Blanke Declaration, p. 8). However, we note that although water supply
5 conditions as measured at the USGS gages at Deep Creek and West Fork Mojave River,
6 together “the Forks”, are similar (slightly reduced) relative to the Judgment base period
7 (1931-1990), we are concerned that there is substantial evidence that flow at the lower
8 Mojave river gages has decreased significantly (2025 Blanke Declaration, p. 9,
9 Attachment 3, 4). This represents a significant change in the flow of water through the
10 system since the original base period, and notably a substantial loss of potential recharge
11 in Baja. The Department acknowledges that the RMBM, when available, will provide an
12 important tool to analyze changes in the system over time and looks forward to engaging
13 with the Watermaster Engineer and staff to address the changes flow at the lower gaging
14 stations and possible management implications.

15 • Average annual surface flows from Centro to Baja as measured at the Barstow
16 gage have been reduced significantly from their historical levels and the levels at the time
17 the Judgment was entered (2025 Blanke Declaration, pp. 8, 9, 10.) This inflow is the
18 primary source of aquifer recharge in Baja and is critical to the recovery of shallow
19 groundwater to support public trust resources. The Department anticipates that the
20 RMBM will provide additional information regarding the fate of this missing inflow
21 (recharge) and looks forward to further coordination with the Watermaster on this matter
22 as soon as possible.

23 • The Department is concerned by recent Watermaster Engineer assertions that
24 appear to question the reliability of the flow measurements at the USGS Barstow gage
25 (2025 Wagner Declaration, pp. 27, 40, 41). The Barstow gage plays a key role in the
26 Judgment to estimate the inflow to Baja at the Waterman Fault, as provided in the table in
27 Exhibit C, C-3, of the Judgment. The maintenance of gages is central within the
28 Watermaster’s duties as specified in paragraph 24 (e) of the Judgment. Furthermore, the

1 Engineer has relied heavily on this gage in past reports to the Court without mention of
2 reliability issues. Notably, the gage was used by the Watermaster Engineer as the basis of
3 the January 25, 2012, “Baja Water Supplies Issues” report¹ and underlying technical
4 analysis, as well as the February 28, 2024, “Production Safe Yield and Consumptive Use
5 Update”² for Baja. In addition to the importance of this gage as a foundation of the Baja
6 subarea water balance, it is expected to play a central role in the development of the
7 RMBM in the lower river system as noted in the 2025 Wagner Declaration, as the model
8 is to be calibrated to the empirical data sources of “water levels and streamflow data, and
9 not to estimated parameters” (2025 Wagner Declaration, p. 2 (27)). As noted in the 2025
10 Declaration of Jim Blanke, variability is common in gages on river systems that are as
11 dynamic as the Mojave river at Barstow, and there are methods that can be employed to
12 confidently utilize this critical long-term dataset in the development of the RMBM (2025
13 Blanke Declaration, pp. 7, 8) and PSY evaluations. Finally, the Department urges the
14 Watermaster to coordinate with USGS and the California Department of Water
15 Resources to improve the accuracy of this gage going forward using the modern methods
16 available.

17 • The Judgment states that “the Physical Solution must be implemented to seek
18 to achieve water table standards set forth in Table H-2 which were proposed by [CDFW]
19 as being necessary to maintain and [conserve] the riparian resources in the areas shown
20 on Figure H-1” (Exhibit H, Figure H-1, Attachment C). The five specific shallow
21 groundwater monitoring sites and associated maximum depths that were established in
22 the riparian habitat monitoring well water level criteria shown in Table H-2 in Exhibit H
23 to the Judgment (Exhibit H, Table H-2, Attachment C) provide the primary mechanism in
24 the Physical Solution to ensure the protection of public trust resources, including fish,
25 plants, and wildlife. These maximum depth standards are supported by a significant body

26 ¹ Mojave Water Agency Watermaster, “Baja Water Supply Issue – Extent of Future
27 Rampdown” with Attachments (January 25, 2023) prepared by Robert Wagner, Engineer

28 ² Mojave Water Agency Watermaster, “Production Safe Yield & Consumptive Use
Update” with Appendices A-G (February 28, 2024) prepared by Wagner & Bonsignore
Engineers.

1 of scientific literature that underscores the importance of maintaining shallow
2 groundwater levels within these depth criteria to meet the water needs of healthy
3 groundwater dependent natural communities such as riparian forests dominated
4 cottonwoods, willows, as well as mesquite bosques. The Department’s analysis of several
5 of these wells indicates that these protective groundwater conditions are not being met
6 now, or have exceeded the maximum depths to groundwater for significant periods of
7 time since the Judgment which we believe is now correlated with the reduced area of,
8 degraded condition of, and reduced use of water by groundwater dependent vegetation in
9 Alto, Centro, and Baja outside of the portions of the Transition Zone now supported by
10 wastewater discharge.

11 14. In the Court’s June 27, 2024, “Ruling on the Watermaster’s Annual Motion to Adjust
12 Free Production Allowance for Water Year 2024-2025” (“2024-2025 FPA Order”), the Court
13 declined to increase FPA in Alto as recommended by the Watermaster noting the history of
14 overproduction, in favor of leaving FPA as set the prior year and monitoring water levels and
15 recovery of lost storage (2024-2025 FPA Order, p. 5-6.). In Centro the Court took a similarly
16 cautious approach, increasing FPA modestly by 1% to 56% of BAP, rather than the 5% increase
17 recommended by the Watermaster, noting the same concerns regarding Watermaster’s
18 recommendation to increase FPA in Alto, as well as “the affect of increased pumping on public
19 trust resources” (June 27, 2024, Order, p. 6). The Court also ordered FPA reductions of 1% in
20 Baja to 19.5% of BAP, a 5% reduction in Oeste to 45% of BAP, and agreed with and ordered the
21 Watermaster’s recommended 5% reduction in Este to 50% of BAP. The Court’s 2024-2025 FPA
22 Order also notes, as the Department has also observed, that “Taken as a whole, it does not appear
23 from the evidence that Baja has yet reached a point of equilibrium” (2024-2025 FPA Order, p. 5).

24 15. The Judgment acknowledges the need to protect public trust resources and includes
25 specific measures intended to provide for the water needs of riparian vegetation and associated
26 plant and wildlife species in the implementation of the Physical Solution. Figure H-1 in Exhibit H
27 in the Judgment (“Figure H-1”) identified and mapped key areas of riparian habitat to be
28 protected, and Table H-2 (“Table H-2”) established science-based protective maximum

1 groundwater level criteria at each these sites as needed to support healthy riparian vegetation for
2 these areas. As noted in the Department’s 2004 Habitat Water Supply Management Plan for the
3 Adjudicated Area of the Mojave River Basin³ (“CDFW 2004 Habitat Water Supply Plan”), the
4 Figure H-1 habitat areas were selected not because they represented the full extent of riparian
5 vegetation along the Mojave River, but because they existed in reasonable condition at the time
6 the Judgment was being developed that they might be maintained or restored under improved
7 groundwater management. (CDFW 2004 Habitat Water Supply Plan at p. 2.)

8 16. To ensure that these groundwater dependent habitat areas were protected, five
9 specific groundwater monitoring sites referred to as the “riparian habitat monitoring wells” and
10 maximum groundwater level criteria for each site were established in Table H-2 in Exhibit H in
11 the Judgment (“Table H-2”). These shallow groundwater “trigger wells” in the riparian habitat
12 areas were intended to serve as maximum “not to exceed” thresholds as needed to maintain
13 riparian vegetation in healthy condition in the Figure H-1 riparian habitat areas. The Table H-2
14 maximum depth to water below ground criteria range from +1 foot (water above ground) at Camp
15 Cady Wildlife Area in an area where surface water persisted year round, to 7 feet below ground at
16 sites dominated by cottonwood and willow riparian forests. These obligate phreatophytes
17 (requiring continual access to groundwater) are prone to leaf and branch death and whole tree
18 mortality from water stress when groundwater is lowered beyond the rooting zone, and 10 feet
19 below ground in areas that support mesquite, a facultative phreatophyte, which is also requires
20 year round access to shallow groundwater but is able to tolerate deeper groundwater than
21 cottonwood riparian forests.

22 17. Based on the water level data that Mojave Water Agency staff provided to the
23 Department on May 7, 2025, available from public repositories such as the California Department
24 of Water Resources Water Data Library, and the hydrographs included in the Watermaster’s
25 Annual Report, the Table H-2 maximum depth standards are not currently being met, or have not

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27 ³ California Department of Fish and Wildlife. July 2004. Habitat Water Supply
28 Management Plan for the Adjudicated Area of the Mojave River Basin, San Bernardino County,
California. This document is available at [www.mojavewater.org/basin-
management/watermaster/reports](http://www.mojavewater.org/basin-management/watermaster/reports).

1 been met for significant periods of time, in the majority of the Table H-2 riparian habitat
2 monitoring wells (2025 Blanke Declaration, pp. 4, 5, 6).

3 18. The Department finds that the shallow groundwater levels in the riparian habitat
4 monitoring well in Alto above the Lower Narrows (well H1-2) at the Mojave Narrows Regional
5 Park have been consistently below the Table H-2 7-foot maximum with only occasional readings
6 above this level following winter storms and a recent period of elevated shallow groundwater
7 following two above average years of precipitation. By the Department's analysis, despite the
8 welcome recent recovery of shallow groundwater, this monitoring site met the protective 7-foot
9 approximately half of the period of record (2024 Blanke Declaration, p. 4, Attachment 2), which
10 is more likely than not reflected at least in part, in the poor condition of the riparian vegetation in
11 this area, including minimal growth of riparian shrub and tree species.

12 19. As noted in the 2025 Blanke Declaration, and the Watermaster's June 1, 2025,
13 Annual Report, the Department does not agree with the Watermaster's current interpretation of
14 the Table H-2 maximum depth to groundwater criteria for the H1-2 riparian habitat monitoring
15 well (2025 Blanke Declaration, pp. 5, 6, Attachment 2; Annual Report, pp. 28-30). The
16 Department continues to work with the Watermaster Engineer to formalize the point of
17 compliance for this important monitoring site to ensure the protection of public trust resources.

18 20. Although the recent increase in shallow groundwater levels is a positive improvement
19 for public trust resources, the fact remains that groundwater levels have been below the protective
20 maximum depth criteria for many years, which caused significant stress and reduced
21 opportunities for new growth in the riparian vegetation and associated species in this area, and it
22 is essential that future water management decisions ensure that these conditions are maintained in
23 the future. The Department is now working with vegetation ecologists at the University of
24 California, Riverside, to better understand how extended periods of water stress, along with other
25 factors, have impacted remnant riparian forest habitats located here and at other areas along the
26 Mojave River.

27 21. The Table H-2 groundwater depth criteria are also not being met in the H1-1 well in
28 Alto near the upper Transition Zone below the Lower Narrows and above the Victor Valley

1 Wastewater Reclamation Authority's water treatment plant and associated discharges at Shay
2 Road. (2024 Custis Declaration, pp. 5, 13, 17.) In fact, the Department's analysis of the data for
3 well H1-1 indicates that the 7-foot maximum depth criteria has been met only 1% of the period of
4 record (2025 Blanke Declaration, p. 4).

5 22. At Camp Cady in Baja, in the Table H-2 riparian habitat monitoring wells H3-1 and
6 H3-2, depth to groundwater has been significantly lower than the maximum depths identified
7 during most years since the entry of the Judgment (2025 Blanke Declaration, pp. 4, 5, 6 and
8 significant losses of riparian habitat in the Figure H-1 area have occurred.

9 23. The June 1, 2025, Annual Report includes the FPA recommendations for WY 2025-
10 2026, as well as a discussion of subarea water levels in Chapter 3 of the report and presents
11 selected hydrographs from monitoring wells in each of the subareas. For Baja, the Watermaster
12 observes again as last year that, "There is indication that in some wells the decline has stopped or
13 is reversing (increasing)" in response to reduced pumping in the subarea. (Annual Report, p. 30.)
14 The Department agrees that the reductions in pumping and apparent leveling off of groundwater
15 levels in some wells are positive developments for this lowermost subarea, however in some
16 portions of Baja, particularly at Camp Cady located below the Calico and Manix faults, the
17 evidence of stabilizing groundwater levels or recovery as observed in other portions of the
18 subarea is delayed, or not yet observed (2025 Blanke Declaration, p. 6), and groundwater remains
19 below the depths that are required to support healthy riparian vegetation in the Table H-2 wells
20 and other monitoring sites.

21 24. The Department agrees with the Watermaster's observation that a significant decrease
22 in pumping has occurred in Baja over the last 20 years. However, the inflow to Baja as measured
23 at the USGS Barstow gage has also declined significantly since the original hydrologic base
24 period (2025 Blanke Declaration, pp. 8, 9, 10). For the groundwater levels in Baja to fully
25 stabilize and in fact return close to the levels required for the riparian vegetation and public trust
26 resources to reach a healthy state, Baja requires additional inflow (2025 Blanke Declaration, p.
27 9).
28

1 25. Despite the implementation of the Physical Solution in the Judgment, as the result of
2 decades of overdraft, altered patterns of groundwater recharge, and infrequent major winter storm
3 flows reaching the lower portions of the Mojave River Basin, groundwater levels remain, or have
4 recently been measured, at depths below ground that are insufficient to support healthy stands of
5 groundwater dependent vegetation, establishment of new younger age classes of riparian
6 vegetation species, or re-establishment of native vegetation in areas impacted by disturbances
7 such as flood and wildfire, in some areas.

8 26. Based on my knowledge of the Mojave River system, the declining water levels at
9 Camp Cady, and the importance of riparian habitat to wildlife species, stabilizing and recovering
10 groundwater levels to achieve the water table standards set forth in Table H-2 is important and
11 necessary for the protection of public trust resources. The Mojave River and associated habitats
12 are critical to the survival of numerous plant and wildlife species in the Mojave Desert where
13 such habitats are increasingly limited as the result of altered hydrology, climate change, wildfire,
14 the spread of invasive species, and other factors. Table H-1 lists the 30 special status species
15 known to have occurred in the adjudicated area in 1996. Since then, at least two other special
16 status species have been identified, including least Bell's vireo (*Vireo bellii pusillus*) and
17 southwestern willow flycatcher (*Empidonax traillii*). Numerous common wildlife species rely on
18 Mojave River and its associated habitats.

19 27. Declining groundwater levels have caused widespread mortality within the stands of
20 cottonwood, mesquite, and willows at Camp Cady and throughout the Mojave River.^{4,5,6,7}
21 Notwithstanding these losses, Camp Cady still contains valuable riparian vegetation. A total of
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23 _____
24 ⁴ California Department of Fish and Wildlife. July 2005. Land Management Plan for
Camp Cady Wildlife Area (Draft).

25 ⁵ See CDFW 2004 Habitat Water Supply Plan, n. 7, *supra*; Lines, G. and Bilhorn, T. 1996,
n. 8, *supra*.

26 ⁶ Webb, R., Boyer, D., and K. H. Berry. 2001. Changes in Riparian Vegetation in the
Southwestern United State: Historical Change Along the Mojave River, California. *USGS Open*
27 *File Report 02-245*. U.S. Geological Survey.

28 ⁷ Webb, R., and S. Leake. 2005. Ground-water surface-water interactions and long-term
change in riverine riparian vegetation in the southwestern United States. *Journal of Hydrology*,
Volume 320, Issues 3–4, 2006, Pages 302-323.

1 106 bird species have been documented using riparian vegetation at Camp Cady,⁸ including
2 multiple species listed as endangered under the California Endangered Species Act (CESA) and
3 the federal Endangered Species Act (ESA). Habitat with a cottonwood and willow canopy and a
4 mesquite understory had the highest abundance of birds of all habitat types at the wildlife area.⁹

5 28. Camp Cady was acquired to protect the surface water and associated riparian habitats.
6 When running and pooled surface water was present, cottonwoods and willows were abundant
7 with a dense understory of mesquite. According to Department records, the Mojave River
8 typically surfaced in the center of Camp Cady and generally flowed from late October to August.
9 These surface flows later ceased because of the declining groundwater levels and have not
10 returned except for rare large storm events typically occurring in the winter months. (CDFW 2004
11 Habitat Water Supply Plan; CDFW 2005 Camp Cady LMP.)

12 29. Lines and Bilhorn (1996) found that tree mortality in cottonwood-willow woodlands
13 increased significantly on the Mojave River where the water-table depth was greater than about
14 seven feet.¹⁰ The ideal water-table depth for healthy tree growth was observed to be between two
15 and four feet.¹¹ Cottonwoods and willows can withstand periods of stress such as temporary
16 reductions in the water table from seven to ten feet. However, prolonged periods of lowered
17 groundwater resulted in near complete mortality in the woodland species. These groundwater
18 requirements for established mature cottonwoods have been substantiated by numerous other
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24 ⁸ Tennant, Patrick. 2002. The Impacts of Saltcedar (*Tamarix ramosissima*) on the Avian
25 Communities of a Mojave Desert Wildlife Area. M.S. Thesis. California State University,
Fullerton.

26 ⁹ *Ibid.*

27 ¹⁰ Lines and Bilhorn, 1996, n. 8, *supra*; Lines, Greg. 1999. "Health of Native Riparian
Vegetation and Its Relation to Hydrologic Conditions along the Mojave River, Southern
California." *USGS Water Resource Investigation Report 99-4112*. U.S. Geological Survey.

28 ¹¹ Lines, Greg. 1999. "Health of Native Riparian Vegetation and Its Relation to
Hydrologic Conditions along the Mojave River, Southern California, n. 38, *supra*."

studies.^{12,13,14,15,16} In a 1999 study by Greg Lines, he found reproduction of cottonwoods and willows is essential for the continued persistence of these vegetation types and occurs both from root sprouting from mature trees and germination of seeds commonly occurs along temporarily wetted areas.¹⁷ However, seedlings will die off after germination if the water table recedes too quickly (>1 inch per day)¹⁸ for their roots to reach perennial water.¹⁹ Lines observed that no production occurs at sites where the water-table was beyond about five feet in spring.²⁰ Therefore, while the seven-foot minimum water table standards established in Table H-2 for the riparian forest areas may be protective of mature trees, they should be considered a minimum standard, as the general health of the community and continued recruitment of new cottonwood and willow trees requires periods of shallower groundwater and surface flow.²¹ There is now a significant body of literature documenting the water needs to maintain healthy cottonwood forests, which includes both intermittent surface flows and gradual declines in groundwater that allow the rapidly growing root to stay in contact with groundwater.²²

30. Mesquite trees and shrubs are tolerant of drier environments than cottonwood and willow woodlands, however, they are reliant on good access to groundwater. USGS found healthy

¹² Horton, J.L., H.T. Kolb, and S.C. Hart. 2001. Physiological Response to Groundwater Depth Varies among Species and with River Flow Regulation. *Ecological Applications*. 11. 1046-1059.

¹³ Stromberg, J.C., Beauchamp, V.B., Dixon, M.D., Lite, S.J., Paradzick, C., 2007. Importance of low-flow and high-flow characteristics to restoration of riparian vegetation along rivers in arid southwestern United States. *Freshwater Biology* 52, 651e679.

¹⁴ Stromberg, J. 2013. Root patterns and hydrogeomorphic niches of riparian plants in the American Southwest. *Journal of Arid Environments*. 94. 1–9.

¹⁵ Stromberg, J.C., and Merritt, D.M. 2016. Riparian plant guilds of ephemeral, intermittent and perennial rivers. *Freshwater Biology*, 61, 1259-1275.

¹⁶ Williams, J., J.C. Stella, S.L. Voelker, A.M. Lambert, L.M. Pelletier, J.E. Drake, J.M. Friedman, D.A. Roberts, and M.B. Singer. 2022. Local groundwater decline exacerbates response of dryland riparian woodlands to climatic drought. *Glob Chang Biol*. Nov;28(22):6771-6788.

¹⁷ Lines, Greg. 1999. "Health of Native Riparian Vegetation and Its Relation to Hydrologic Conditions along the Mojave River, Southern California, n. 38, *supra*.

¹⁸ Rood, S., Braatne, J., and F. Hughes. 2003. Ecophysiology of riparian cottonwoods: stream flow dependency, water relations and restoration. *Tree Physiology* 23, 1113–1124.

¹⁹ Lines, Greg. 1999. "Health of Native Riparian Vegetation and Its Relation to Hydrologic Conditions along the Mojave River, Southern California, n. 38, *supra*.

²⁰ *Ibid*.

²¹ *Ibid*.

²² Rood, S., Braatne, J., and F. Hughes. 2003. Ecophysiology of riparian cottonwoods: stream flow dependency, water relations and restoration, n. 46, *supra*.

1 mesquite where the water-table depth ranged from eight to ten feet, but that mortality was
2 extremely high where groundwater was reduced below ten feet by pumping.²³ Root sprouting by
3 mesquite, as necessary for reproduction, occurred where the water table was at about eight feet in
4 the spring. Mesquite may tolerate periods of stress when the groundwater table exceeds ten feet.
5 However, mortality is likely to increase, and reproduction will not occur if groundwater depth
6 exceeds about 20 feet.²⁴

7 31. The groundwater dependent habitats along the Mojave River have undergone
8 significant environmental change due to groundwater drawdown, causing the death of deep-
9 rooted, native vegetation and the reactivation of wind-blown sand. Although widespread, these
10 impacts have been most significant in Baja and Camp Cady where the loss of groundwater
11 storage has been the most pronounced and where the Department has devoted the most attention
12 due to the Department's land ownership. Groundwater levels continue to exceed the critical depth
13 of seven feet needed to sustain a healthy riparian forest (2025 Blanke Declaration, pp. 5, 6). As a
14 result, riparian vegetation such as cottonwood and willows get scoured during large flood events
15 and their seedlings can no longer get established due to the lowered ground water table.

16 32. The Department continues to coordinate with the Watermaster, Mojave Water
17 Agency, and Mojave Desert Resource Conservation District on the distribution of funds from the
18 Biological Resources Trust Fund to projects to benefit the Exhibit H areas on an annual basis.
19 Recently funded and ongoing projects include riparian vegetation mapping along the Mojave
20 River by UC Riverside; surveys for southwestern pond turtles by USGS; fuel reduction and
21 invasive species control along the Mojave River; a trial habitat restoration project that has been
22 underway at Camp Cady for the past 10 years led by partner Quail Forever; and maintaining the
23 high water efficiency irrigation pivot at Camp Cady to provide wildlife habitat and mitigate
24 windblown sand, and to offset costs to MWA to continue measurement of the H1-2 well located
25 near the Department's Mojave Narrows Regional Park.

27 ²³ Lines, Greg. 1999. "Health of Native Riparian Vegetation and Its Relation to
28 Hydrologic Conditions along the Mojave River, Southern California, n. 38, *supra*.

²⁴ *Ibid.*

1 33. In conclusion, the Department supports the Watermaster's recommendations for FPA
2 for WY 2025-2026, and specifically that it is appropriate that FPA in Alto, Centro, Oeste, and
3 Baja be held as currently set by the Court for WY 2024-2025, and may remain at 50.4% of base
4 annual production (BAP) in Alto, 56% of BAP in Centro, 19.5% of BAP in Baja, and 45% of
5 BAP in Oeste, since FPA is within 5% of Production Safe Yield (PSY) in those subareas. The
6 Department also agrees with the Watermaster's recommendation that a 5% reduction in FPA to
7 45% of BAP in Este is necessary based on the information provided by the Watermaster. The
8 Department believes that the pumping recommendations provided by the Watermaster are
9 consistent with the Judgment and the Court's June 2024 Ruling on FPA, which urges a cautious
10 approach to groundwater water management in subareas where FPA and PSY estimates are close
11 and pumping impacts to public trust resources are possible.

12 34. The Department encourages the Watermaster to engage in an open and transparent
13 process with the Department and other outside experts on the expanded basin-wide numerical
14 groundwater model, or RMBM, including the development, calibration, and interpretation of this
15 important tool as soon as possible and not less than 6-months prior to its adoption into future
16 groundwater management decisions such as subarea PSY updates. It is important that concerns
17 raised by the Department regarding the hydrologic base period, stream gage data quality, and
18 other matters be addressed as early as possible.

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

21
22 Executed on July 21, 2025, in Bishop, California.

23
24 
25 AARON JOHNSON

ATTACHMENT A

Aaron P Johnson
(760) 872-1171

EDUCATION

Bachelors Degree in Environmental Studies, Highest Honors
University of California, Santa Cruz (UCSC), June 2005
Merrill College Honors (UCSC)

TRAININGS/CERTIFICATIONS

Water Measurement Devices and Methods, UC Cooperative Extension
Measuring and Monitoring Rare Plant Populations, CDFW
Vegetation Rapid Assessment, California Native Plant Society
Wildland Weed Mapping Methods, Utah State University

PROFESSIONAL EXPERIENCE

California Department of Fish and Wildlife (CDFW), Senior Environmental Scientist. Supervise and oversee the CDFW Inland Deserts Region's northern lands program staff in a variety of complex activities related to management of CDFW lands, water rights, and related activities. I am responsible for the overall planning, analysis, and preparation of land conservation documents, land management plans, and associated maintenance and restoration projects for state owned and managed properties in Inyo, Mono, and northern San Bernardino Counties, and ensure environmental compliance for the program. This includes the preparation of environmental documents, grant requests, contracts, special use agreements, and various assorted reporting, including local, state, and federal environmental compliance and coordination such as required under CEQA, CESA, LSA and NEPA (10/2021-present).

Environmental Scientist. As an Environmental Scientist at Range C in the CDFW lands program I supported the Senior Environmental Scientist in various planning and analysis tasks including the preparation of land conservation documents, land management plans, and maintenance and restoration projects for CDFW properties, and completed environmental review and compliance tasks and documents. I served as lead person for the Wildlife Habitat Supervisor, Scientific Aids, and Wildlife Habitat Assistant coordinating day-to-day work assignments and priorities (1/2015-9/2021).

Eastern Sierra Land Trust, Lands Director. In this position I directed the land conservation and stewardship programs of a non-profit land conservation organization. The position involved managing complex real estate transactions to protect land and water resources, coordinating closely with private landowners and partner agencies, and grant writing and management. I conducted annual monitoring of all land trust properties and easements, completed monitoring reports, prepared resource inventories and reports and plans based on field data, interviews, and coordination with resource management agencies. The position required strong organizational skills, project management, and daily written and verbal communication (10/2008-12/2014).

USDA, Exotic & Invasive Weed Research Unit. Biological Science Technician. In this position I supported USDA Agricultural Research Service (ARS) efforts to develop a remote sensing/GIS spatial plant ecology program while also participating in regular botanical fieldwork to support the research of my unit. My regular office duties included hyperspectral remote sensing image processing, GIS mapping and analysis, data collection flight planning, as well as plant ecology lab work. Fieldwork included quantitative plant ecology data collection tasks related to the population demography of invasive plants, GPS spatial data collection, as well as supervision of volunteers on mapping projects (10/2007 - 10/2008).

City of Boulder, Open Space & Mountain Parks. Vegetation Management Crew Leader. This position included budgeting, hiring and training of the crew, as well as daily supervision. The office component of this position included project planning, GIS data management, quality assurance, and report writing. This work also included planning for and managing daily weed removal work projects, plant identification, detailed project tracking and reporting, designing, and implementing monitoring plans, as well as educating the public and local landowners (3/2006 - 9/2007).

ATTACHMENT B



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
787 North Main Street, Suite 220
Bishop, CA 93514
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 15, 2025

Mojave Basin Area Watermaster
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307-4377

Subject: Comments on the Proposed Recommendations for Free Production
Allowance for Water Year 2025-2026 and the draft Thirty-First Annual Report

Dear Watermaster Board Members,

The California Department of Fish and Wildlife (CDFW) has reviewed the Watermaster Engineer's recommendation for free production allowance (FPA) for Water Year (WY) 2025-2026 as presented at the February 26, 2025, Watermaster Board (Watermaster) meeting and described in the memorandum "Consider Proposed Recommendation for Free Production Allowance for Water Year 2025-26" (2025-26 FPA Memo), discussed at the March 12, 2025 Workshop, and detailed in the draft "Thirty-first Annual Report of the Mojave Basin Area Watermaster Water Year 2023-24" (Annual Report). CDFW hereby submits its comments to the Board regarding the FPA recommendations and the Annual Report, in advance of the Board's April 23, 2025, public hearing to receive comments and adopt the proposed FPA for WY 2025-2026, and approval of the Annual Report.

CDFW ROLE

CDFW is the trustee agency for the state's fish and wildlife resources and is a party to the Judgment After Trial, dated January 10, 1996 (Judgment). CDFW is also a landowner in two of the five subareas in the Judgment, the Baja and Alto Subareas. In Baja, CDFW owns the Camp Cady Wildlife Area (Camp Cady), and in Alto, CDFW owns the Mojave Narrows Regional Park and Mojave River Fish Hatchery. CDFW worked closely with the settlement parties on the development of the Judgment and in particular Exhibit H, which among other things establishes the shallow groundwater level criteria necessary to maintain and protect sensitive riparian resources and species, also known as public trust resources, associated with the Mojave River system.

COMMENTS ON WATERMASTER RECOMENDATION

CDFW has reviewed the Watermaster Engineer's (Engineer's) analysis and conclusions in the Annual Report, as well as his recommendations for production levels in the 2025-2026 WY as presented at the February 26, 2025, Watermaster meeting. CDFW agrees with the Engineer's conclusion that a reduction in FPA in Alto, Centro, Oeste, and Baja are not required pursuant to the Judgment and that FPA should remain at 50.4% of

Mojave Basin Area Watermaster
Mojave Water Agency
April 15, 2025
Page 2

base annual production (BAP) in Alto, 56% of BAP in Centro, 19.5% of BAP in Baja, and 45% of BAP in Oeste, since FPA is within 5% of Production Safe Yield (PSY) in those subareas. CDFW also agrees with the Engineer's recommendation that a 5% reduction in FPA to 45% of BAP in Este is necessary based on the information provided by the Watermaster. CDFW believes that the pumping recommendations provided by the Watermaster are consistent with the Judgment and the Court's June 2024 Ruling on FPA, which urges a cautious approach to groundwater water management in subareas where FPA and PSY estimates are close and pumping impacts to public trust resources are possible. Furthermore, the Engineer has indicated that the PSY is likely to change in some subareas as the result of the new basin-wide model and underlying studies. Therefore, CDFW supports Watermaster's FPA recommendations for WY 2025-26, which will allow time for continued monitoring of groundwater response under current management (pumping, imports, etc.) until additional analysis of the subarea water balances incorporating the new information is possible.

COMMENTS ON PUMPING

CDFW appreciates the ongoing efforts of the Watermaster Engineer and staff to expand the Upper Mojave Basin Model (UMBM) to cover the entire adjudicated area in the new Regional Mojave Basin Model (RMBM). We understand that the process of developing, calibrating, and interpreting such numerical models is complex and time consuming. CDFW supports the recent decision to continue working on the model for future basin planning and looks forward to engaging with the modeling team to discuss underlying model inputs and assumptions, management scenarios, peer review, and interpretation of model outputs to inform PSY estimates for the various subareas. Given the time needed to provide substantive review and the time required by the Engineer and staff to incorporate that input, CDFW requires at least 6 months to review, comment, and coordinate on the model before the new tool is used to inform future PSY updates.

CDFW is encouraged to see elevated shallow groundwater levels and recent surface flows that have occurred in the Alto riparian zone, including Mojave Narrows Regional Park over the last two years. Two years of above average precipitation, the addition of imported water from the State Water Project (SWP) to the river, and reductions from historical pumping appear to be contributing to increases in shallow groundwater in some areas along the Mojave River in Alto. These above average water years and recent shallow groundwater recovery provide an opportunity, through continued, careful groundwater management, to ensure that these shallow groundwater levels along the river are maintained as necessary to support groundwater dependent vegetation and associated wildlife. While CDFW is trustee for the fish and wildlife of the state, the Watermaster as the local agency appointed by the Court to implement the Judgment also bears the obligation pursuant to the Judgment to consider public trust interests when making water management decisions, including when requesting a ramp down or ramp up of FPA in any subarea and maintaining shallow groundwater levels as required to protect public trust resources in the areas identified in Exhibit H.

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Mojave Water Agency
April 15, 2025
Page 3

The primary tools used to verify and inform the protection of public trust resources, including fish, plants, and wildlife, are the five specific groundwater monitoring sites and associated maximum depths that were established in the riparian habitat monitoring well water level criteria shown in Table H-2 in Exhibit H to the Judgment. The Judgment states that “the Physical Solution **must be implemented to seek to achieve water table standards set forth in Table H-2** which were proposed by [CDFW] as being necessary to maintain and [conserve] the riparian resources in the areas shown on Figure H-1” (Exhibit H, p. H-1). These maximum depth standards are supported by a significant body of scientific literature that underscores the importance of maintaining shallow groundwater levels within these depth criteria to meet the water needs of groundwater dependent natural communities such as riparian forests dominated cottonwoods, willows, as well as mesquite bosques.

At the riparian habitat monitoring well in Alto above the Lower Narrows (H1-2), located at the Mojave Narrows Regional Park, the maximum depth to groundwater was set to 7 feet in the Judgment Table H-2. CDFW finds that the shallow groundwater levels at the Mojave Narrows Regional Park have been consistently below the 7-foot maximum with only occasional readings above this level following winter storms. The present monitoring site met the protective 7-foot standard only 53% of the period of record, which reflects the poor condition of the riparian vegetation in this area today relative to the first decade after the entry of the Judgment, including minimal growth of riparian shrub and tree species in areas that supported such habitats as recently as 2005. CDFW worked closely with the Engineer in selecting the locations and the maximum depth criteria for the riparian habitat monitoring wells, including H1-2. The present well was located outside of the active river channel after the earlier monitoring site was destroyed by a winter flood in 2005, with the intent that the depth to water criteria would be applied at a location in the floodplain that is suitable for healthy riparian forest habitat. As stated in CDFW’s response in court in 2024 and the supporting declarations, using the Engineer’s most recent figures we find that the correct elevation for the 7-foot maximum depth criteria at H1-2 is 2,762 feet above mean sea level.

In addition, in Alto below the Lower Narrows at well H1-1 the 7-foot standard has been met only 1% of the period of record. The Watermaster therefore must do more to protect these riparian habitats. CDFW is working with Watermaster to achieve better results for the habitat, but more clearly needs to be done.

In Baja at the Camp Cady Wildlife Area at the two riparian habitat monitoring wells (H3-1 and H3-2) there have been no water level readings meeting the protective Table H-2 criteria and significant losses of riparian habitat have occurred since the adjudication.

The Watermaster Engineer’s 2024 PSY Update indicates that during the past decade the average gaged surface water inflow to Baja has been decreased from 16,406 acre-feet to just 7,500 acre-feet. CDFW agrees that a significant decrease in inflow to Baja has occurred, and that for the groundwater levels to fully stabilize and recover to the levels required to support naturally occurring riparian vegetation, Baja must receive

Mojave Basin Area Watermaster
Mojave Water Agency
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Page 4

significantly more recharge. CDFW is hopeful that the forthcoming RMBM will provide insight needed to re-evaluate PSY in Baja, and CDFW looks forward to engaging in that discussion.

CDFW encourages the Watermaster to ensure that recent groundwater recovery observed in some wells along the Mojave River in Alto is maintained in the future, to continue investigating the dramatic reduction of surface water inflow to Baja, and to explore possible remedies to this lost inflow and groundwater recharge there.

COMMENTS ON THE ANNUAL REPORT

CDFW staff and consultants have been in regular communication with the Watermaster staff and Engineer over the last few months and understand that there are still revisions to the Thirty-first Annual Report to be presented and approved at the April 23, 2025, meeting. The comments provided here pertain to the draft report available on the Mojave Water Agency website as of April 14, 2025. However, CDFW has been made aware that significant revisions of the Annual Report are still in progress, which we have not had the opportunity to review.

As discussed above, the riparian habitat monitoring wells and associated maximum depth criteria established in Exhibit H, Table H-2 of the Judgment are the mechanism by which the physical solution is to be implemented by the Watermaster in a way that is protective of public trust interests. However, as CDFW noted last year at the FPA annual hearing, the hydrographs for these key indicator wells and discussion of their status are generally absent from the Annual Report or difficult to discern. While some of the wells appear to be included in the composite subarea hydrograph figures, they lack clear identification. CDFW has requested that these wells be represented both by having their individual hydrographs included in the Annual Report with the corresponding Table H-2 name and maximum depth criteria clearly noted, and that these hydrographs and observed trends be interpreted in the narrative of the report. CDFW appreciates that the Watermaster Engineer and staff have agreed to make these changes to the report and look forward to seeing these modifications in future updates.

With regard to the subarea water levels as discussed in Chapter 3, CDFW agrees with the assessment in the report that water levels in Alto near the river exhibit seasonal variation but that the limited recovery in winter is likely an indication of long term over extraction, and that there was an extended period of groundwater decline prior to the recent recovery discussed above. The recent increase in shallow groundwater has been observed in the riparian habitat monitoring well H1-2, which appears to be consistently meeting the 7-foot criteria for the first time in over a decade. The report notes that continued dry conditions would result in additional groundwater declines, but that the importation of approximately 17,500 acre-feet per year of artificial recharge released to the Mojave River, the estimated pumping deficit in Alto, is expected to result in continued improvement to groundwater levels. CDFW will continue to coordinate with the Watermaster to discuss and monitor the H1-2 monitoring well and other nearby sites

Mojave Basin Area Watermaster
Mojave Water Agency
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Page 5

and vegetation to ensure that this practice maintains water levels within the standards. CDFW notes that it is important that the Alto deficit be applied to the river as purchased SWP water as assumed in the URMb.

In Baja CDFW agrees that there are positive indications of improvement in some wells above the Calico fault. However, as noted in the Court's Ruling in June 2024, it does not yet appear that Baja has reached an equilibrium between FPA and PSY across the entire subarea. As noted above, and in our 2024 Response in Court, it is critical that the Watermaster continue to evaluate the substantial decline in measured surface flow to Baja, which is needed for groundwater recovery. CDFW looks forward to engaging in discussions with the Engineer as soon as preliminary model results are available for review.

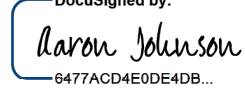
The Annual Report states in Chapter 3 that 50,590 acre-feet of surface water was imported in Alto and measured as flow in the Mojave River at the Forks in 2023, and that 14,825 acre-feet of water was imported in 2024. However, the report does not provide details as to what proportion of that water was replacement water, pre-purchased or pre-stored storage water, or water that was purchased from the SWP and delivered to the river as assumed in the URMb. This information is necessary to understanding the response of shallow groundwater in the riparian habitat monitoring wells to various water management activities. CDFW requests that an additional table be provided in future reports that would indicate the volume of water "imported" in each subarea during the water year, the purpose of that import, where the recharge occurred, and any stored water or carryover obligations for those imports. CDFW acknowledges that some but not all of these details can be found in the Annual Report tables in Chapter 3, page 23, Chapter 4, pages 33-34, and Chapter 6, page 44, but a single tabulation of this information is needed to better document annual water management activities in the basin so that they can be tied to observed responses in groundwater levels.

Finally, CDFW notes that Table 5-1 "Subarea Hydrological Inventories" is absent from the draft report. For the Thirtieth Annual Report (2022) the Watermaster provided a variety of proposed calculations for the consideration of the Court, which were subsequently discussed, and CDFW believes that it is important to have the Watermaster Engineers' water balance calculations for each subarea included here for review, even if they are expected to change in the future pending the RMBM and future PSY revisions.

CDFW appreciates the opportunity to communicate comments regarding the Watermaster's 2025-26 FPA recommendations to the Court.

Mojave Basin Area Watermaster
Mojave Water Agency
April 15, 2025
Page 6

Sincerely,

DocuSigned by:

6477ACD4E0DE4DB...

Aaron Johnson
Senior Environmental Scientist
Inland Deserts Region

ec:

CDFW

Chris Hayes, Environmental Program Manager
chris.hayes@wildlife.ca.gov

Alisa Ellsworth, Environmental Program Manager
alisa.ellsworth@wildlife.ca.gov

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stephen.puccini@wildlife.ca.gov

Department of Justice

Noah Golden-Krasner, Deputy Attorney General V
noah.goldenkrasner@doj.ca.gov

ATTACHMENT C

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EXHIBIT H

BIOLOGICAL RESOURCE MITIGATION

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1 Allowance, shall compare the Free Production Allowance with the
2 estimated Production Safe Yield. In the event the Free Production
3 Allowance exceeds the estimated Production Safe Yield by five
4 percent or more, Watermaster shall recommend a reduction of the
5 Free Production Allowance equal to a full five percent of the
6 aggregate Subarea Base Annual Production. In considering whether
7 to increase or decrease the Free Production Allowance in a Subarea,
8 Watermaster shall, among other factors, take into consideration for
9 the areas shown on Figure H-1 the Consumptive Use of water by
10 riparian habitat, the protection of public trust resources,
11 including the species listed in Table H-1 and the riparian habitat
12 areas shown on Figure H-1, and whether an increase would be
13 detrimental to the protection of public trust resources.

14 b. If, pursuant to Paragraph 27, Watermaster buys or
15 leases Free Production Allowance in the Baja Subarea below the
16 Calico-Newberry Fault to satisfy the need for Replacement Water,
17 priority shall be given to purchases or leases that will result in
18 reducing Production in or near the area described in Subparagraph
19 1(c) of this Exhibit.

20 c. Pursuant to Paragraph 2 of Exhibit "G", Watermaster
21 shall purchase Replacement Water to maintain Groundwater levels in
22 the Transition Zone.

23 3. Additional Protection Pursuant to Trust Fund Established
24 by Watermaster Using the Proceeds of Biological Resource
25 Assessments.

26 a. Watermaster shall establish a Biological Resources
27 Trust Fund account for the benefit of the riparian habitat areas
28 shown on Figure H-1 and the species listed on Table H-1. To

1 establish and maintain the Trust Fund Watermaster shall levy
2 against each acre-foot of Production within the Basin Area, other
3 than Production by the California Department of Fish and Game
4 (DFG), a Biological Resource Assessment of fifty cents (\$0.50)
5 (1993 dollars) to be collected at the same time and in the same
6 manner as the Administrative Assessment, except that no Biological
7 Resources Assessment shall be levied whenever the Trust Fund
8 account balance exceeds \$1,000,000 (1993 dollars).

9 b. Watermaster shall make funds held in the Biological
10 Resources Trust Fund available to DFG only in the event that
11 Groundwater levels are not maintained as set forth in Table H-2.
12 Watermaster shall take action to acknowledge any proposed
13 expenditure from the Biological Resources Trust Fund by DFG. Such
14 Watermaster action shall be subject to the review procedures set
15 forth in Paragraph 36 of the Judgment, provided that any motion
16 made pursuant thereto and any Court disapproval of such Watermaster
17 action and proposed DFG expenditure may be based only: 1) on the
18 ground that the Groundwater levels set forth in Table H-2 are being
19 maintained; and/or 2) the ground that the proposed expenditure is
20 not for any of the purposes set forth in Subparagraphs 3.b.(i),
21 (ii), or (iii) below in this Exhibit. The Biological Resources
22 Trust Fund may be used only for the following purposes and only in
23 the three areas identified on Figure H-1:

24 1. not to exceed \$100,000 for the preparation by DFG of
25 a DFG habitat water supply management plan, which plan shall
26 include the water needs of the species listed in Table H-1 and
27 the riparian habitat areas shown on Figure H-1.
28

1 ii. the purchase or lease by DFG of Supplemental Water
2 or the lease or purchase of DFG of Base Annual Production
3 Rights to be used to meet riparian habitat water needs of the
4 species listed in Table H-1 and the riparian habitat areas
5 shown on Figure H-1.

6 iii. the construction, repair and replacement of wells or
7 other facilities identified in the plan prepared pursuant to
8 Subparagraph (i), above, and/or any other measures necessary
9 to implement the plan.

10 DFG shall not prepare or make any expenditure from the trust fund
11 for the payment of administrative overhead or staff of DFG.

12 4. DFG agrees that absent substantial changed circumstances,
13 DFG shall not seek to modify the provisions of this Judgment in any
14 way to add to or change the above-stated measures to protect the
15 referenced species or habitat. Nothing stated in this Judgment or
16 in this Exhibit "H" is intended nor shall be deemed to relieve any
17 Party hereto from any obligation or obligations not specifically
18 referenced in this Exhibit H. Nothing in this Judgment or in this
19 Exhibit H is intended or shall be construed to be a waiver by the
20 State or any of its departments or agencies, including DFG, of its
21 rights and obligations under the common law, the public trust
22 doctrine, the constitution, statutes and regulations to preserve,
23 protect or enhance the natural resources of the State including
24 rare, threatened or endangered species or species of concern.

TABLE H-1

LIST OF SPECIES

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Purple Monkeyflower	6							
Mohave Monkeyflower	6		6	6	6	6		
Mohave Tarweed	5							
Desert Cymopterus	6							
Barstow Woolly Sunflower					6	6		
Victorville Shoulderband	6	6						
Mohave Tui Chub							1, 3	
California Red-legged Frog	6	6	6	6				
Southwestern Pond Turtle	6		6	6		6	6	6
Desert Tortoise	2, 4		2, 4	2, 4	2, 4	2, 4		
San Diego horned Lizard	6							
Cooper's Hawk	8	8						
Ferruginous Hawk	8	8						
Swainson's Hawk	4	4						
Bald Eagle	1, 3	1, 3						
Merlin	6, 8	6, 8						
Prairie Falcon	6, 8	6, 8	6, 8	6, 8	6, 8	6, 8		
Western Yellow-billed Cuckoo	3, 7			3, 7	3, 7			
Southwestern Willow Flycatcher	8							
Brown-crested Flycatcher		8						
Vermillion Flycatcher	8					8	8	8
Le Conte's Thrasher	8							
Least Bell's Vireo	1, 3							1, 3

TABLE H-1

LIST OF SPECIES
(CONT'D)

SPECIES	ALTO			CENTRO		BAJA		
	Forks Dam to Upper Narrows	Upper Narrows to Lower Narrows	Lower Narrows to Helendale	Helendale to Hodge	Hodge to Barstow	Barstow to Harvard Road	Harvard Road to Mannix Wash	Afton Canyon
Yellow Warbler	9							
Yellow-breasted Chat	8	8			8	8		
Summer Tanager	8	8						8
Pale Big Eared Bat	8							
Mohave Ground Squirrel	4, 6		4, 6	4, 6				
Mohave Vole			6	6				
Nelson's Bighorn Sheep					10	10		10
TOTAL NUMBER OF SPECIES = 30								
TOTAL NUMBER OF SPECIES IN EACH AREA:	25	11	7	8	7	8	3	5

1 = Federally Endangered

2 = Federally Threatened

3 = State Endangered

4 = State Threatened

5 = Federal Category: 1

6 = Federal Category: 2

7 = Federal Category: 3b

8 = State: Special Concern

9 = State: Sensitive

10 = State: Fully Protected

TABLE H-2

**RIPARIAN HABITAT MONITORING WELL
WATER LEVEL CRITERIA**

ZONE	WELL NUMBER	MAXIMUM DEPTH BELOW GROUND
Victorville/Alto	H1-1	Seven (7) Feet
Victorville/Alto	H1-2	Seven (7) Feet
Lower Narrows/Transition	H2-1	Ten (10) Feet
Harvard/Eastern Baja Riparian Forest Habitat	H3-1	Seven (7) Feet
Harvard/Eastern Baja Surface Water Habitat	H3-2	Plus One (1) Foot (1705 Ft msl)*

- * Surface Water Habitat water surface elevation of 1705 ft. msl is approximate pending ground elevation survey.

FIGURE H-1: VICTORVILLE -
ALTO RIPARIAN ZONE

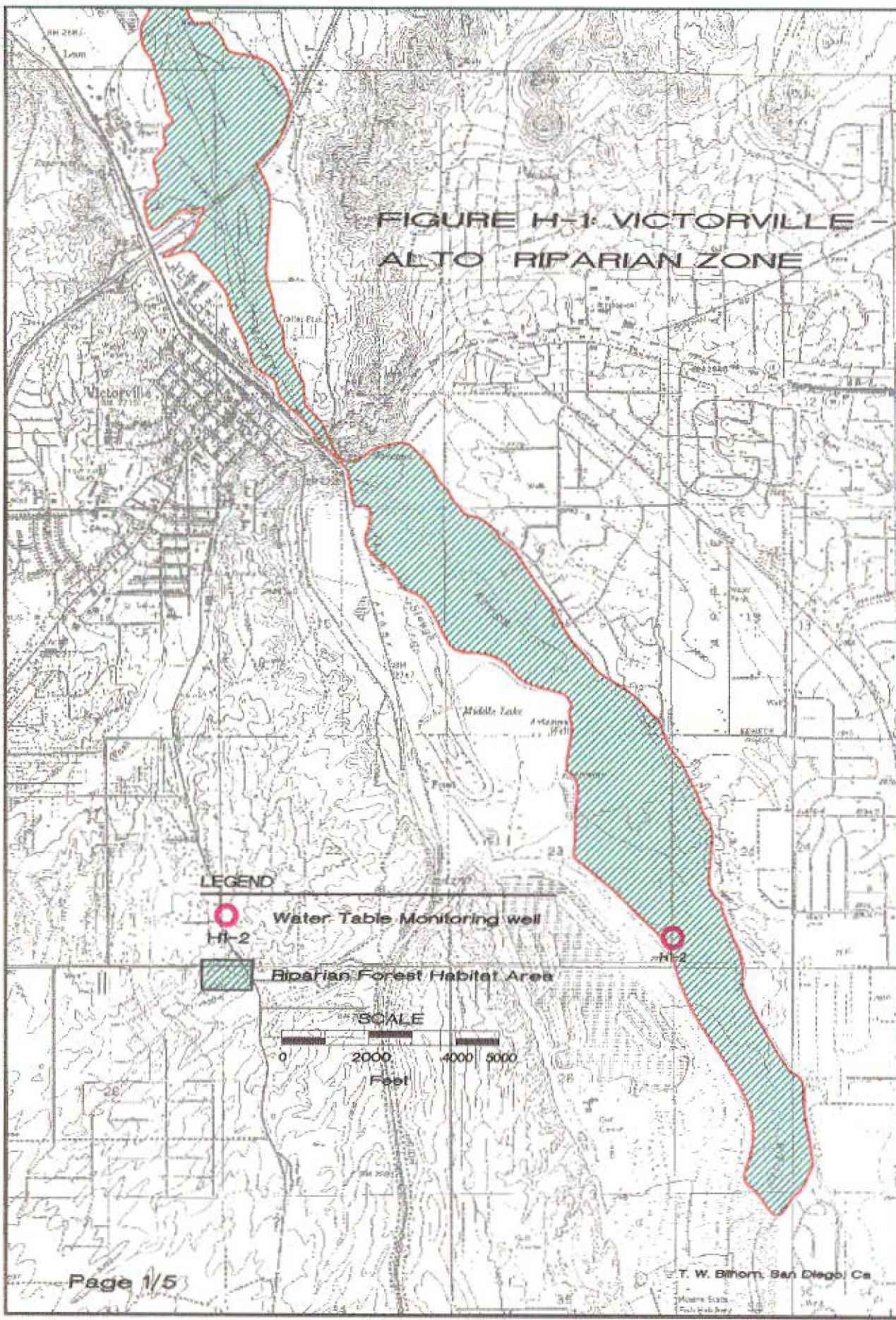
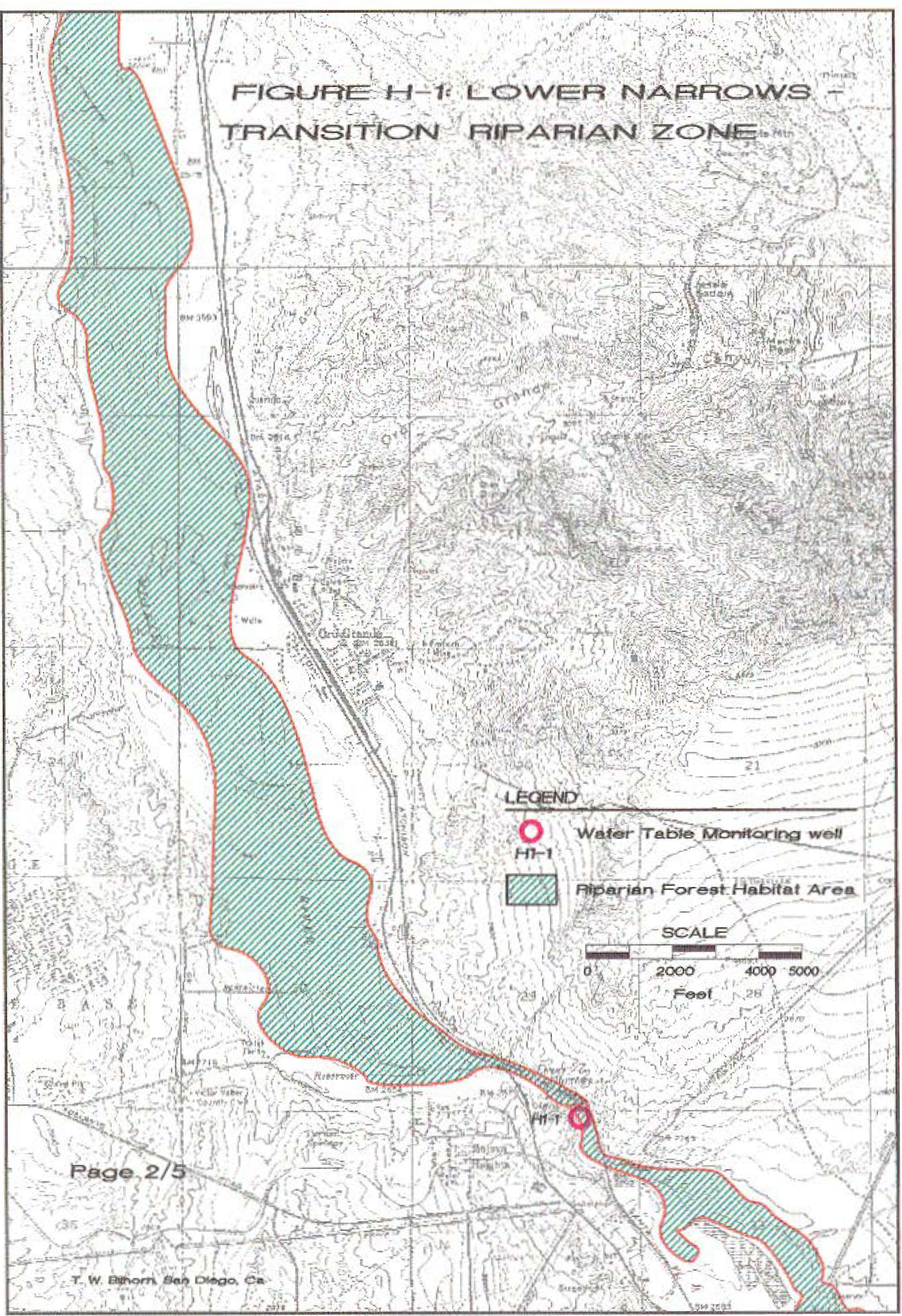


FIGURE H-1: LOWER NARROWS - TRANSITION RIPARIAN ZONE



LEGEND



Water Table Monitoring well

H1-1



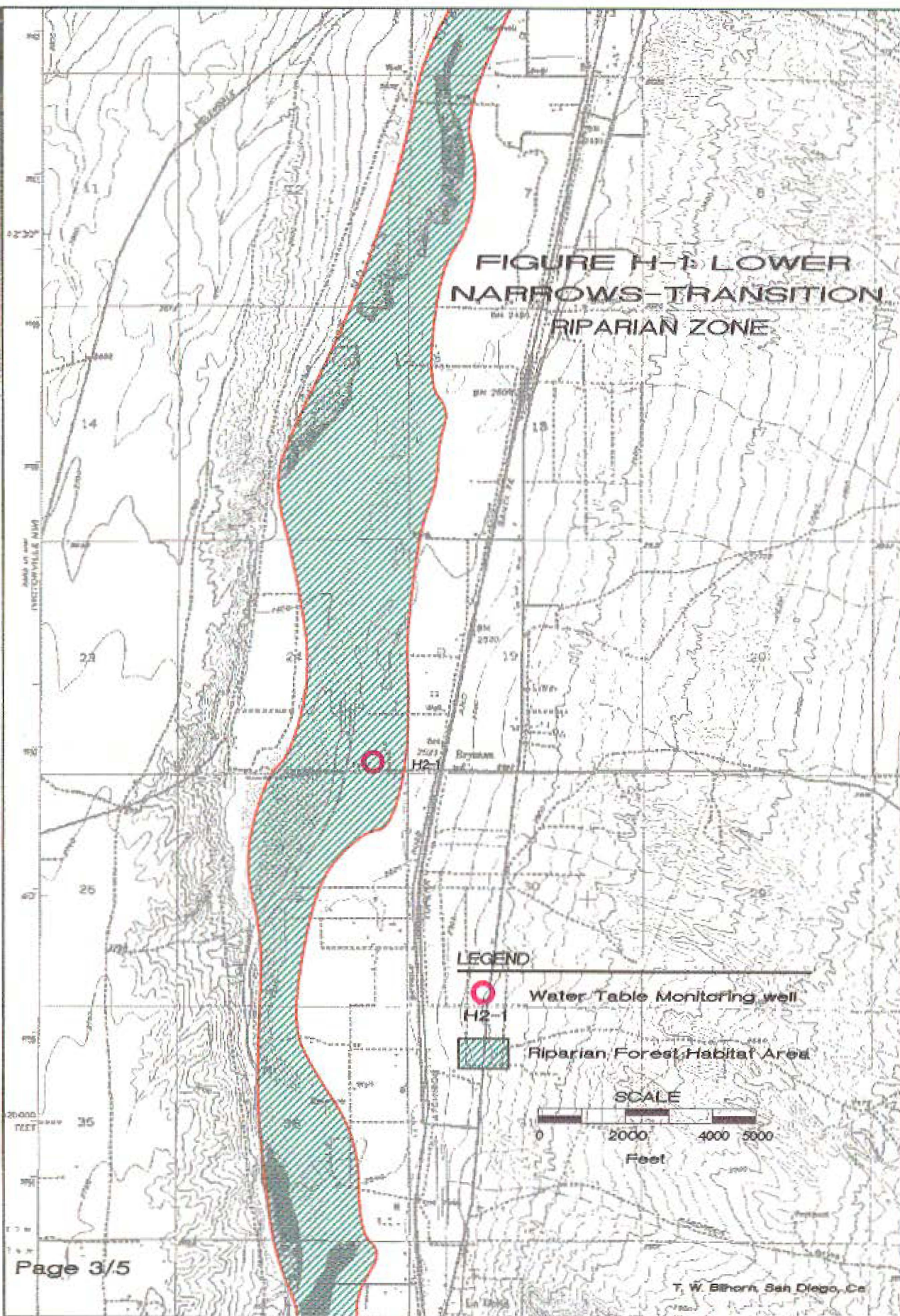
Riparian Forest Habitat Area

SCALE



Feet

**FIGURE H-1 LOWER
NARROWS-TRANSITION
RIPARIAN ZONE**



LEGEND



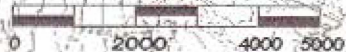
Water Table Monitoring well

H2-1



Riparian Forest Habitat Area

SCALE



Feet

FIGURE H1- TRANSITION RIPARIAN ZONE

LEGEND

Riparian Forest Habitat Area

SCALE

0 2000 4000 5000
Feet

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T-W Blinn, San Diego, CA

FIGURE H1 TRANSITION RIPARIAN ZONE

LEGEND

Riparian Forest Habitat Area

SCALE

0 2000 4000 5000
Feet

Page 4/5

T-W Blinn, San Diego, CA

FIGURE H1- TRANSITION RIPARIAN ZONE

LEGEND

Riparian Forest Habitat Area

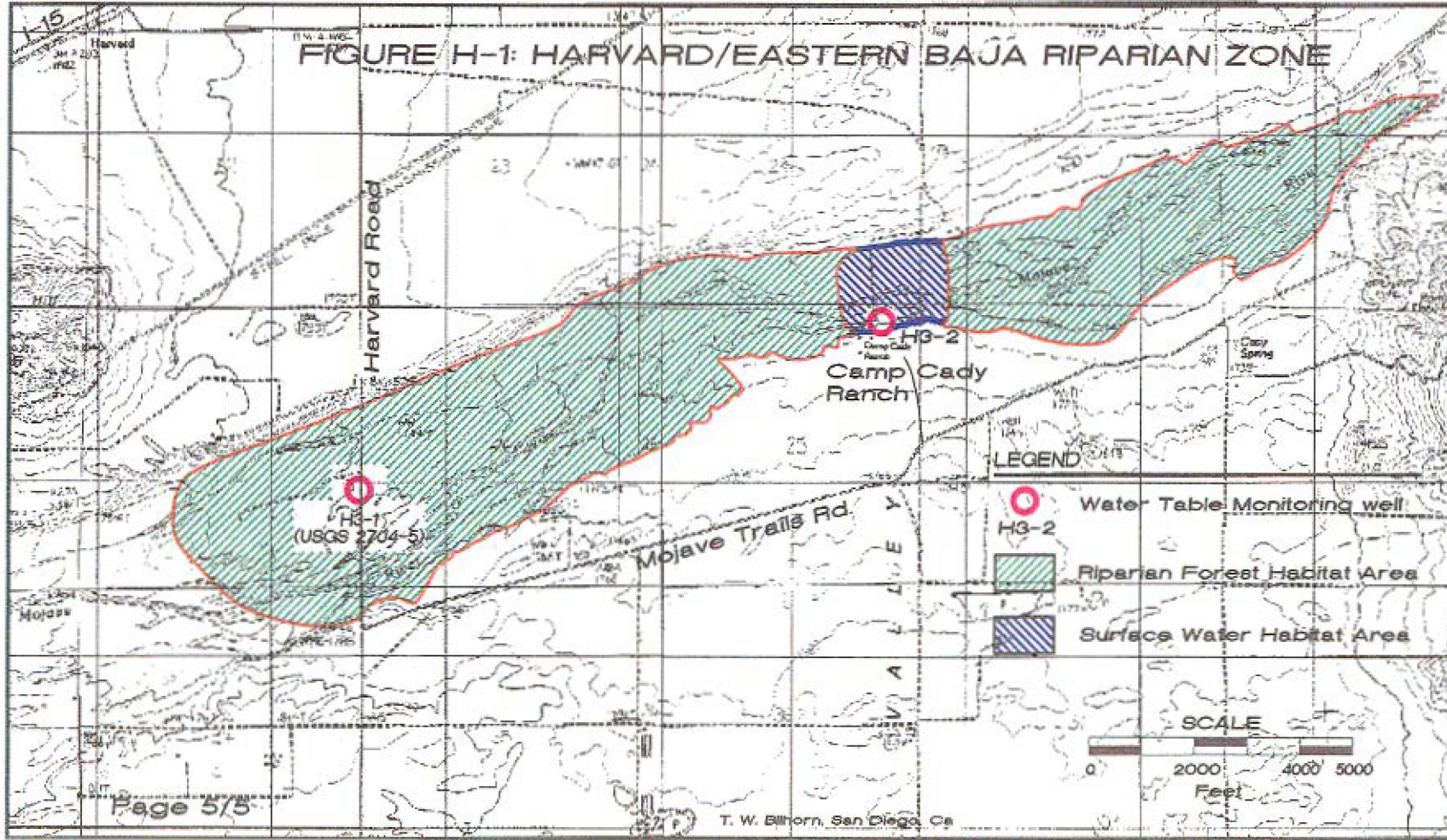
SCALE

0 2000 4000 5000
Feet

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T.W. Blinn, San Diego, CA

FIGURE H-1: HARVARD/EASTERN BAJA RIPARIAN ZONE



DECLARATION OF SERVICE BY E-MAIL AND OVERNIGHT COURIER

Case Name: **City of Barstow v. City of Adelanto, et al.**

Case No.: **CIV208568 (Lead)**

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 90013-1230. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **Federal Express** courier service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On July 22, 2025, I served the **DECLARATION OF AARON JOHNSON IN SUPPORT OF THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE'S RESPONSE TO WATERMASTER'S MOTION TO ADJUST FREE PRODUCTION ALLOWANCE FOR THE 2025-2026 WATER YEAR** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California and the United States of America, the foregoing is true and correct and that this declaration was executed on July 22, 2025, at Los Angeles, California.

Beatriz Davalos
Declarant


Signature

PROOF OF SERVICE

STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO}

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

On July 22, 2025, 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 Aaron Johnson in Support of the California Department of Fish and Wildlife's Response to Watermaster's Motion to Adjust Free Production Allowance for the 2025-2026 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 July 22, 2025 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of July 22, 2025

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Mojave Basin Area Watermaster Service List as of July 22, 2025

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Mojave Basin Area Watermaster Service List as of July 22, 2025

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Mojave Basin Area Watermaster Service List as of July 22, 2025

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Mojave Basin Area Watermaster Service List as of July 22, 2025

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Mojave Basin Area Watermaster Service List as of July 22, 2025

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