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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE
10 RIVERSIDE HISTORIC COURTHOUSE

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

JCCP No. 5265
Case No. CIV 208568

12 MOJAVE BASIN WATER CASES

Judge: Hon. Craig G. Riemer
Dept: 1

13 CITY OF BARSTOW,

14 Plaintiff,

15 vs.

16 CITY OF ADELANTO, et al.,

17 Defendant.
18

**DECLARATION OF JEFFREY GAASTRA
IN SUPPORT OF NEWBERRY SPRINGS
RECREATIONAL LAKES
ASSOCIATION'S OPPOSITION TO
WATERMASTER'S MOTION FOR
APPROVAL OF (1) PRODUCTION SAFE
YIELD CLASSIFICATIONS, AND (2) FREE
PRODUCTION ALLOWANCE
RECOMMENDATIONS FOR WATER
YEAR 2026-2027**

Date: August 12, 2026
Time: 10:00 am
Dept: 1

Reservation No.: Per Court Order 5/12/2026

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22 AND RELATED CROSS ACTIONS
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DECLARATION OF JEFFREY GAASTRA

I, Jeffrey Gaastra, declare as follows:

1. I am the President of the Newberry Springs Recreational Lakes Association (NSRLA), and in that capacity operate the filling and acquisition and management of water rights for the lakes that NSRLA manages.

2. On June 24, 2026 I attended the Watermaster hearing where Lee McElhaney clarified to the Watermaster Board that CDFW's claim that Exhibit H in the Judgement is not a determining value when applying to PSY & FPA recommendations. This statement by Mr. McElhaney occurred at the 1:21:45 mark in the audio of the meeting, which I subsequently listened to on the Watermaster website and then transcribed. My transcription of the hearing is attached to this declaration as Exhibit 1.

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

Executed this 22 day of July, 2026 at Newberry Springs, California.



Jeffrey Gaastra

Exhibit “1”

EXHIBIT 1

Lee McElhaney clarified to the Watermaster Board that CDFW's claim that Exhibit H in the Judgement is not a determining value when applying to PSY & FPA recommendations.
06/24/2026 Watermaster Meeting at the 1:21:45 mark in the audio.

There are two matters we are considering now, one is the FPA and the other is PSY.

There is nothing in the Judgement that states that protecting Public Trust Resources, are to be considered when determining PSY values.

Exhibit H however does provide the consideration needs to be given to FPA values.

Even as to the FPA values the Judgement does not indicate that it is a determining value. Its to be considered, but it's not the necessary determining value, or factor to be considered.

Instead, the courts admitted decision by Judge Kizer, who was the original trial Judge in this case. Made the following observations, because I think they are instructive.

Number 3, Groundwater level standards have been established at certain points in riparian areas to insure riparian growth.

Judge Kizer went on to state, "there is however in the stipulated judgement a recognition that in some riparian areas, there might need to be extraordinary efforts to protect the habitat. And the stipulated judgement provides a mechanism, which is called the biological resources trust fund, which is funded by assessments on all production, and which is capped at 1 million dollars in 1993 dollars. The fund can be used by Fish & Game to construct wells, irrigate vegetation, do studies, or other projects." Page 21 of the Judges amended statement of decision.

Finally, paragraph 3 of exhibit H of the Judgement, titled "Additional protection pursuant to trust funds established by watermaster, using the proceeds of the biological resource assessments". Specifies the area in which the Biological Trust fund may be used, "In the event that groundwater levels are not maintained, as set forth in Table H-2". It indicates that the funds may be used by F&W to "purchase or lease supplemental water or base annual production rights, to be used to meet riparian habitat water needs".

Therefore, the Judgement does require that Watermaster give consideration for the protection of public trust resources, but it does not mandate that that is the only factor to be considered in determining your FPA recommendations.

As I mentioned it does not indicate it is to be considered or even considered in determining your PSY recommendations.

That's the clarification I wanted to add. Thank you very much. End 1:25:16

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.

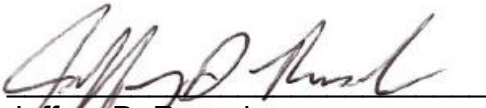
July 23, 2026, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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 Jeffrey Gaastra in Support of Newberry Springs Recreational Lakes Association's Opposition to Watermaster's Motion for Approval of (1) Production Safe Yield Classifications, and (2) Free Production Allowance Recommendations for Water Year 2026-2027

 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 23, 2026 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of July 23, 2026

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Attn: Paul Jordan
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Mojave Basin Area Watermaster Service List as of July 23, 2026

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Mojave Basin Area Watermaster Service List as of July 23, 2026

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Mojave Basin Area Watermaster Service List as of July 23, 2026

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Mojave Basin Area Watermaster Service List as of July 23, 2026

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Mojave Basin Area Watermaster Service List as of July 23, 2026

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