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CIV208568

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

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

MOJAVE BASIN AREA WATER CASES

CITY OF BARSTOW, et al.,

Plaintiff,

v.

CITY OF ADELANTO, et al.,

Defendant.

JCCP NO.: 5265
Lead Case No. CIV208568

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

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

**GOLDEN STATE WATER
COMPANY'S OPPOSITION TO
WATERMASTER'S 32ND ANNUAL
REPORT AND MOTION FOR
APPROVAL OF (1) PRODUCTION
SAFE YIELD CALCULATIONS, AND
(2) FREE PRODUCTION
ALLOWANCE RECOMMENDATIONS
FOR WATER YEAR 2026-2027**

*[Filed concurrently with Declaration of
Toby B. Moore and Declaration of
Mackenzie W. Carlson]*

DATE: **August 12, 2026**
TIME: **10:00 a.m.**
DEPT.: **1**

¹ Golden State Water Company is formerly known as Southern California Water Company.

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1 **I. INTRODUCTION²**

2 The Mojave Basin Area Watermaster’s (“**Watermaster**”) hydrologic data collection plan
3 and timeline are inadequate. When the Court granted Golden State Water Company’s (“**GSWC**”) Motion to Enforce the Judgment in 2024, the Court ordered the Watermaster to “recommend a plan
4 and timeline to improve the collection of hydrologic data that would be relevant to calculations of
5 PSY in the future.” The Court’s October 23, 2024 Order required Watermaster to prepare a plan
6 and timeline as part of the Thirty-Second Annual Report for Water Year 2024-25 to improve the
7 collection of hydrologic data relevant to future Production Safe Yield (“**PSY**”) calculations—a
8 critical component of the Physical Solution intended to mitigate declining water levels.

9 Despite having more than eighteen months to comply, Watermaster’s “plan,” which is a
10 technical memorandum belatedly appended to the Annual Report, neither identifies specific data
11 collection improvements that Watermaster intends to implement, nor provides a meaningful
12 implementation timeline. The Court should reject Watermaster’s technical memorandum as the
13 required Court-ordered plan because Watermaster:
14

- 15 • provided inadequate notice that it would consider and accept the plan and timeline at the
16 June 24, 2026 hearing;
- 17 • failed to provide the Parties with a reasonable opportunity to review the plan and timeline;
18 and
- 19 • did not include the required elements because it does not (a) identify specific hydrologic
20 data collection improvements, (b) provide a meaningful implementation timeline, and (c)
21 adequately consider the recommendations from GSWC’s expert.

22 Moreover, the regional model, which Watermaster has previously implied would be available by
23 the end of Water Year 2026-27, now appears to be on hold or indefinitely delayed—further delaying
24 any meaningful reconsideration of the PSY.

25 Watermaster’s Motion for Approval of (1) Production Safe Yield Calculations, and (2) Free
26 Production Allowance Recommendations 2026-2027 (“**Motion**”) relies on the Annual Report and

27 ² All defined terms have the same meaning as set forth in the Judgment. All capitalized terms, not
28 otherwise defined, are the same as the terms used in the Judgment.

the attached technical memorandum which purports to include the required plan and timeline in support of its recommendations regarding its PSY calculations. To preserve its objections to the adequacy of the Watermaster’s “plan” for improving the collection of hydrologic data that would be relevant to calculations of PSY in the future, GSWC brings this Opposition to the Motion. The Court should reject Watermaster’s procedurally and substantively deficient plan and timeline as non-compliant with the 2024 Order.

II. BACKGROUND

On October 23, 2024, this Court granted GSWC’s Motion to Enforce Judgment in its October 23, 2024 Order (1) Granting the Motion to Enforce Judgment (2) Establishing a Procedure for Motions to Approve Re-Calculated Production Safe Yield; Posing Questions to be Answered by Watermaster (“**2024 Order**”). The 2024 Order requires Watermaster to do all the following:

4. To recommend a plan to improve the collection of hydrologic data that would be relevant to calculations of PSY in the future. In doing so, to consider the recommendations contained in Section 6.0 of the report of Anthony Brown which marked Exhibit 1 to [GSWC’s] motion filed 9-5-24, except that paragraph 4 on page 32 (GSWC 34) is modified to read: “Based on results from the above, Watermaster should determine whether Producers in Alto have met, are currently meeting, and in the future are likely to continue to meet their obligations under the Judgment.”

5. To recommend a timeline by which the recommended plan could reasonably be implemented.

6. To include both the plan and the timeline in the Watermaster’s 32nd Annual Report, i.e., for Water Year 2024-2025.

(2024 Order, pp. 1–2 [emphasis added].)³

On February 26, 2026, Watermaster posted its Thirty-Second Annual Report for Water Year 2024-25 (“**32nd Annual Report**”) to its website. (Declaration of Mackenzie W. Carlson (“**Carlson Decl.**”), ¶ 4; Declaration of Toby B. Moore, PhD. (“**Moore Decl.**”), ¶ 14.) On February 26, 2026, Watermaster mailed notice of the availability of the 32nd Annual Report. (Carlson Decl., ¶ 4.) Following a citation to the 2024 Order, the Annual Report states: “Watermaster is working on these requirements, and they will be included in the final annual report to the Court.” (Carlson Decl., ¶

³ A copy of the 2024 Order is attached to the Motion as Exhibit 2. (See Motion, pp. 23-24.)

1 4; 32nd Annual Report, p. 16.⁴)

2 On March 25, 2026, the Watermaster Board cancelled its April 22, 2026 hearing to consider
3 approval of the 32nd Annual Report, citing uncertainty over the hydrologic base period for the PSY
4 and FPA calculations pending a Court determination on the then-pending hydrologic base period
5 motions. (Carlson Decl., ¶ 5.)

6 By email dated April 24, 2026, counsel for GSWC requested that Watermaster Counsel
7 provide a status report regarding the timing of delivery of the required plan and timeline, but
8 received no response. (Carlson Decl., ¶ 6; Exh. A.)

9 On May 6, 2026, the Court granted certain Parties' stipulation modifying the Judgment's
10 deadline for hearing Watermaster's PSY and FPA recommendations for Water Year 2026-2027.
11 (Order on Stipulation re Briefing Schedule and Date for Hearing of Watermaster's Motions for the
12 Court's Consideration of Watermaster's PSY and FPA Recommendations for Water Year 2026-
13 2027 [July 6, 2026 Motion; July 22, 2026 any oppositions to the Motion; August 4, 2026
14 Watermaster reply; and August 12, 2026 hearing] ("**Stipulation**").)

15 On June 17, 2026, Watermaster published the agenda for its June 24, 2026 Board hearings
16 to adopt FPA/PSY Recommendations and to accept the 32nd Annual Report. (Carlson Decl., ¶ 7;
17 Moore Decl., ¶ 15.) On June 17, 2026, neither the published agenda nor the 32nd Annual Report
18 posted to the Watermaster website contained a plan or timeline required by the 2024 Order.
19 (Carlson Decl., ¶ 7; Moore Decl., ¶ 15.)

20 On June 17, 2026, GSWC staff attended a "Q & A Session with Watermaster Staff regarding
21 2026-2027 PSY and FPA Recommendation" and requested that Watermaster provide a status report
22 regarding the timing of delivery of the required plan and timeline, but did not receive an answer
23 about whether the plan and timeline would be presented before the hearing to accept the 32nd
24 Annual Report. (Moore Decl., ¶ 16.)

25 On June 22, 2026, Watermaster staff emailed a copy of the Technical Memorandum from
26

27 ⁴ A copy of the 32nd Annual Report, dated July 6, 2026, is available here:
28 <https://www.mojavewater.org/basin-management/watermaster/reports/#docaccess-8b06fe087e718e8bd57c47bc60536444>.

1 Robert C. Wagner, P.E. Watermaster Engineer to the Watermaster re “Plan to improve collection
2 of hydrologic data and consideration of Golden State Water Company’s Recommendations”
3 (“**Tech Memo**”) to Toby Moore at GSWC and advised him that the Tech Memo would “be included
4 in the 32nd Annual Report.” (Carlson Decl., ¶ 8; Moore Decl., ¶ 17.) Sometime thereafter,
5 Watermaster posted a separate link to the Tech Memo to the Watermaster’s agenda item related to
6 acceptance of the 32nd Annual Report. (Carlson Decl., ¶ 8; Moore Decl., ¶ 17.)

7 On June 24, 2026, Watermaster held a public hearing and accepted the 32nd Annual Report.
8 (Carlson Decl., ¶ 10, Moore Decl., ¶ 18.) Before and during the hearing, GSWC submitted oral and
9 written comments on the Tech Memo and requested additional time to work with Watermaster on
10 the Court-ordered plan and timeline. (Carlson Decl., ¶¶ 9–10, Exh. B.) It is not clear from the
11 Board’s agenda or the deliberations at the meeting whether the Board considered, much less
12 accepted, the separately posted Tech Memo together with the 32nd Annual Report. (Carlson Decl.,
13 ¶ 10; Moore Decl., ¶ 18.) Following the hearing, the Tech Memo was “attached” to the 32nd Annual
14 Report. (Carlson Decl., ¶ 11; Moore Decl., ¶ 19; 32nd Annual Report, p. 1.)

15 On July 6, 2026, Watermaster filed its Motion for Approval of (1) Production Safe Yield
16 Calculations, and (2) Free Production Allowance Recommendations 2026-2027 (“**Motion**”) and
17 Notice of Lodging of the Thirty-Second Annual Report of Mojave Basin Area Watermaster, Water
18 Year 2024-2025 (“**Notice of Lodging**”). The Tech Memo is attached as Exhibit 5 to the Motion.
19 (See Motion, pp. 160–199.) Watermaster did not serve its accepted 32nd Annual Report on all
20 Parties. (Carlson Decl., ¶ 11.)

21 **III. WATERMASTER’S RESPONSE TO THE COURT’S 2024 ORDER IS NOT**
22 **ADEQUATE**

23 **A. GSWC’s Opposition is Proper Because Watermaster’s Motion Incorporates**
24 **and Relies on the Annual Report and the Tech Memo, which Purport to**
25 **Include the Plan and Timeline Required by the Court’s 2024 Order**

26 The Judgment requires all recommended FPA adjustments, including all assumptions and
27 calculations supporting those adjustments, to be included in the Annual Report. (Judgment, ¶ 24(o)
28 [“[Watermaster] to recommend in the Watermaster Annual Report an adjustment, if needed, to the

1 Free Production Allowance for any Subarea. . . . The Annual report shall include all assumptions
2 and calculations relied upon in making its recommendations.”].) Before making an FPA
3 adjustment, the Court shall conduct a hearing following the notice process described in Paragraph
4 36 of the Judgment. (*Id.* at ¶¶ 24(o), 36.)

5 The Motion is fundamentally “based on . . . Watermaster’s Thirty-Second Annual Report
6 lodged concurrently herewith.” (Motion, p. 2.) Both the Motion and the supporting Declaration of
7 Robert C. Wagner (“**Wagner Declaration**”) discuss, cite to, and rely on the 32nd Annual Report in
8 support of the Motion. (See, e.g., Motion, pp. 6, 35–45 [Wagner Declaration]; 32nd Annual Report,
9 pp. 40–44.) Further, both the Motion and Wagner Declaration discuss, cite to, and rely on the Tech
10 Memo (Motion, pp. 10–14, 46–51, 160–199), which presumably was accepted as a part of the 32nd
11 Annual Report,⁵ in support of the Motion. Accordingly, notwithstanding Watermaster’s assertion
12 that “[a]ny party objecting to the filing or contents of the Annual Report must, pursuant to
13 Paragraph 36 of the Judgment, file a noticed motion with the court” (Notice of Lodging, p. 2),
14 GSWC’s Opposition is procedurally proper. Watermaster cannot have it both ways. It cannot
15 insulate its 32nd Annual Report from review—except through the separate motion process described
16 in Paragraph 36 of the Judgment—while simultaneously moving for Court approval of the PSY and
17 FPA calculations based on the 32nd Annual Report, which “attaches” the Tech Memo. (Judgment,
18 ¶ 24(o).)

19 The Judgment contemplates a routine Annual Report and PSY and FPA approval process
20 that allows the Parties to review Watermaster’s concurrent adoption of the Annual Report and FPA
21 recommendations *before* Court action, precisely because Watermaster’s annual recommendations
22 regarding the PSY and FPA rely on the technical information contained in the Annual Report. (See
23 Judgment, ¶¶ 24(o), (k); see also Watermaster Rules & Regulations (“**Watermaster**
24 **Regulations**”), § 21.) The Parties should not be forced to bring a separate and duplicative motion
25 to object to these concurrent and interrelated Watermaster actions. Moreover, any such motion
26

27 ⁵ As noted above in Section II, it is not clear whether the Watermaster Board considered or accepted
28 the Tech Memo as part of the 32nd Annual Report. For the limited purposes of preserving its
objections to the Tech Memo, GSWC assumes that it did.

1 would necessarily be heard after the Court’s consideration of Watermaster’s recommendations,
2 rendering it untimely and arguably moot.⁶ Accordingly, GSWC’s Opposition to Watermaster’s
3 Motion is not only procedurally appropriate, but also promotes judicial economy.

4 **B. Watermaster Disregarded Fundamental Procedural Requirements in**
5 **Adopting the Purported Plan and Timeline**

6 The 2024 Order directed Watermaster to include “both the plan and the timeline in the
7 Watermaster’s 32nd Annual Report.” (2024 Order, p. 2.) Because the plan and timeline were
8 required to be part of the 32nd Annual Report, they were necessarily subject to the procedural
9 requirements governing the Annual Report’s adoption. Watermaster violated those requirements in
10 multiple respects.

11 The Judgment and Watermaster Regulations establish clear procedural requirements
12 designed to ensure an open and public process before Watermaster files its Annual Report with the
13 Court. Specifically, these requirements mandate that Watermaster “shall notify all Parties that a
14 draft of the report is available for review and shall provide notice of a hearing to receive comments
15 and recommendations for changes in the report.” (Judgment, ¶ 24(k)(1).) The Watermaster
16 Regulations further require compliance with time schedules for report preparation and distribution.
17 (Watermaster Regulations, §§ 15, 21, Exh. B [Time Schedules].) Watermaster also must distribute
18 the report to any party requesting copies. (Judgment, ¶ 24(k)(1).) These requirements exist precisely
19 so that parties can meaningfully review, analyze, and comment on Watermaster’s proposed actions
20 before they are finalized.

21 Additionally, all meetings and hearings of the Watermaster shall be noticed and conducted
22 according to the Ralph M. Brown Act, Government Code section 54950, et seq. (Watermaster
23 Regulations, § 2.) The Brown Act mandates that agendas “contain a brief general description of
24 each item of business to be transacted” and be posted “[a]t least 72 hours before a regular meeting.”

25 ⁶ Given that the Watermaster Board approved the 32nd Annual Report on June 24, 2026, a motion
26 for de novo review of it would be required no later than September 22, 2026. (Judgment, ¶ 36(c);
27 Code Civ. Proc., § 12.) Even if GSWC were to have filed a motion for review of the 32nd Annual
28 Report prior to the deadline for opposition to the Motion (July 22, 2026), the motion could not have
been heard in advance of the August 12, 2026 hearing regarding Watermaster’s Motion, despite the
fact that the Motion relies on the 32nd Annual Report in support of its Motion.

1 (Gov. Code, § 54954.2(a)(1).) The purpose of these requirements is to ensure that the public and
2 interested parties have sufficient advance notice to prepare for and participate in public
3 proceedings. (See *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 555 [a city violated
4 the Brown Act when it amended its agenda at a meeting to consider agendizing an appeal of a
5 planning commission’s decision even though it had a project related action on the agenda].)

6 Watermaster violated each of these procedural requirements with respect to the plan and
7 timeline. First, Watermaster failed to include the plan and timeline in the 32nd Annual Report made
8 available for review. On or about February 26, 2026, Watermaster published the 32nd Annual
9 Report to its website—without the required plan or timeline in any form. (Carlson Decl., ¶ 4; Moore
10 Decl., ¶ 14.) Instead, the Annual Report stated only that Watermaster “is working on these
11 requirements, and they will be included in the final annual report to the Court.” (Carlson Decl., ¶
12 4; 32nd Annual Report, p. 16.) Thus, for nearly four months following the release of the 32nd Annual
13 Report—from February 26, 2026 through June 22, 2026—Parties had no plan or timeline to review,
14 despite these being Court-ordered components of the 32nd Annual Report.

15 Second, Watermaster failed to provide adequate notice that it would consider and adopt the
16 plan and timeline at the June 24, 2026 hearing. On June 17, 2026, Watermaster published the
17 agenda for its June 24, 2026 Board hearings to adopt the proposed FPA for 2026-27 and to accept
18 the 32nd Annual Report. (Carlson Decl., ¶ 7; Moore Decl., ¶ 15.) The published agenda did not
19 contain any reference to the required plan or the timeline in any form. (Carlson Decl., ¶ 7; Moore
20 Decl., ¶ 15.) GSWC personnel only learned that Watermaster’s plan would “be included in the 32nd
21 Annual Report” on June 22, 2026. (Moore Decl., ¶ 17.) Parties reviewing the agenda had no notice
22 that the Court-ordered plan and timeline would be released before or considered at the June 24,
23 2026 meeting, much less that they would need to be prepared to comment on those items. (Gov.
24 Code, § 54954.2(a)(1); see also Moore Decl., ¶¶ 16–17.)

25 Third, and most importantly, Watermaster distributed its plan and timeline, in the form of
26 the Tech Memo, far too late to permit meaningful review. Despite multiple requests from GSWC’s
27 legal counsel and staff in the preceding months regarding the status of the plan and timeline,
28 Watermaster did not distribute the Tech Memo—which contained the purported plan and

1 timeline—until June 22, 2026. (Carlson Decl., ¶¶ 6–10; Moore Decl., ¶¶ 15–18.) The Tech Memo
2 is 39 pages long and links to 427 additional pages of Watermaster Engineer technical memoranda.
3 (Carlson Decl., ¶ 8.) Less than 48 hours later, the Watermaster Board held the public hearings and
4 adopted the PSY and proposed FPA for 2026-27 and accepted the 32nd Annual Report. (Carlson
5 Decl., ¶¶ 8–10; Moore Decl., ¶¶ 17–18.) This timeline not only violated the letter and spirit of the
6 Brown Act (see Gov. Code, § 54954.2(a)(1) [requiring that a posted agenda describe the legislative
7 body’s proposed actions at least 72 hours before a meeting]), but more importantly, deprived the
8 Parties of a meaningful opportunity to review, analyze, and prepare substantive comments on
9 Watermaster’s plan for improving the collection of hydrologic data that would be relevant to
10 calculations of PSY in the future. (Watermaster Regulations, § 2; *Cohan, supra*, 30 Cal.App.4th at
11 555.)

12 The cumulative effect of these procedural failures is significant. Watermaster had more than
13 18 months—from October 23, 2024 to June 22, 2026—to develop a plan and timeline consistent
14 with the Court’s 2024 Order. Yet Watermaster gave the Parties fewer than two days to review and
15 comment on a plan and timeline that will guide hydrologic data collection for future calculations
16 of PSY. The 2024 Order requiring “both the Plan and a timeline to be included in the 32nd Annual
17 Report” did not contemplate Watermaster circumventing the procedural requirements in the
18 Judgment and its own regulations by treating the plan and timeline as a last-minute attachment
19 exempt from notice and review requirements. Nowhere does the 2024 Order suggest that
20 Watermaster could deviate from its standard practices for the Annual Report, nor did the Court
21 authorize Watermaster to treat the plan and timeline as distinct from the 32nd Annual Report for
22 procedural purposes. Watermaster’s plan and timeline, as set forth in the Tech Memo, fails to satisfy
23 the Court’s and Watermaster’s own procedural requirements and on that ground alone should be
24 rejected as non-compliant.

25 **C. The Tech Memo Does Not Comply with the 2024 Order**

26 In addition to the procedural deficiencies of Watermaster’s plan described above, the Tech
27 Memo does not satisfy the 2024 Order because: (1) it does not include a plan or timeline to improve
28 the collection of hydrologic data that would be relevant to calculations of PSY in the future; and

(2) it fails to address fully the recommendations in the Expert Report of Anthony Brown (“**Brown Report**”).⁷ (Moore Decl., ¶ 13.)

1. The Tech Memo Does Not Include a Plan or Timeline

Since 2019, in response to falling water levels in its wells within the Centro Subarea, which are not consistent with Watermaster’s repeated declarations of stable inflows into the Centro Subarea, GSWC has questioned whether Watermaster’s PSY calculations are based on the best available science and therefore may not accurately reflect the state of the Basin. (Moore Decl., ¶¶ 9–12.) In the 2024 Order, the Court found that GSWC had presented sufficient evidence to establish probable cause to require Watermaster to conduct further investigation of the PSY calculations required by the Judgment. (2024 Order, p. 2.) In reaching this decision, the Court emphasized that Watermaster must “rely upon and use the best available records and data to support implementation of the Judgment. Where actual records of data are not available, Watermaster shall rely on and use sound scientific and engineering estimates.” (*Id.*, citing Judgment, ¶ 24(w).) Consistent with this obligation, the Judgment requires Watermaster to “install, operate, and maintain, such wells, measuring devices and/or meters necessary to monitor stream flow, precipitation and groundwater levels and to obtain such other data as may be necessary to carry out provisions of this Judgment, including a study of the Basin Area phreatophyte consumptive use.” (Judgment, ¶ 24(e).) Only with this information and analysis can the Parties assess whether the Physical Solution is functioning as intended—or whether, despite compliance, continued water level declines necessitate amendment of the Judgment.

The 2024 Order asks Watermaster “[t]o recommend a plan to improve the collection of hydrologic data that would be relevant to calculations of PSY in the future.” (2024 Order, p. 1.) The 2024 Order also summarized various Watermaster current and proposed activities, including that Watermaster committed to revise its model to include the Transition Zone and Centro and Baja Subareas, “working on studying riparian vegetation using satellite based remote sensing,” “will study the possibility of using remote sensing to measure surface inflow” and is “not opposed to

⁷ GSWC’s Evidence in Support of Motion to Enforce Judgment – Volume 1, pp. GSWC0001-0161 (Sep. 6, 2024).

1 using remote sensing technologies to measure of consumptive agricultural use,” and had installed
2 a stream gage at Hinkley Road at GSWC’s urging. (2024 Order, pp. 2–3.) Following review of
3 Watermaster’s various activities, the Court explained:

4 The Watermaster may be able to recommend other ways in which the
5 hydrologic data can be enhanced at a reasonable cost. Certainly,
6 nowhere in the Watermaster’s opposition does the Watermaster
contend that it is impossible to enhance the collection of relevant data
at a reasonable cost.

7 (2024 Order, pp. 2–3.) The 2024 Order also acknowledges that “[i]f potentially relevant data exists
8 or could be generated but the Watermaster determined that the cost of doing so is unreasonable, the
9 report shall explain the basis for that conclusion.” (2024 Order, p. 3.) In summary, the 2024 Order
10 requires the plan and timeline to: (1) specify recommendations to reasonably improve hydrologic
11 data collection; (2) provide a timeline to implement those recommendations; (3) explain any
12 reasons (e.g., financial or technological) that Watermaster rejected other hydrologic data collection
13 options; and (4) in doing so, consider the recommendations in the Brown Report.

14 The Tech Memo provides three pages with a purported plan and timeline. (Motion, pp. 160–
15 162.) The Tech Memo’s plan and timeline describe the existing hydrologic data relating to the
16 Basin and states that its plan to improve hydrologic data includes:

17 (a) study and utilization of the Regional Mojave Basin Model
18 [“RMBM”] when completed and calibrated; (b) further analysis of
19 the network of monitoring wells; (c) identification of any data gaps,
20 and providing a strategy to fill the data gaps; (d) studying riparian
21 vegetation using satellite-based remote sensing tools to update
22 consumptive use values for phreatophytes; and (e) developing and
implementing a program to identify, monitor and quantify production
by Minimal Producers. Watermaster’s plan is being implemented in
the current Water Year 2025-26 and will continue to be implemented
throughout the following years.

23 (Motion, p. 162.) The remainder of the Tech Memo responds to the Brown Report
24 recommendations but does not contain any details on the plan and timeline to implement items (a)–
25 (e), nor does it explain how these items might improve PSY calculations in the future. (See Motion,
26 pp. 162–199.) The Tech Memo barely describes data collection activities beyond those already
27 described by Watermaster in its briefing that led to the 2024 Order. Watermaster does not explore
28 “other ways in which the hydrologic data can be enhanced at a reasonable cost,” nor does it explain

1 what items and options were rejected. At best, these are general topics that inform future
2 development of a plan and timeline. In sum, the Tech Memo is not sufficient and does not satisfy
3 the Court's 2024 Order.

4 Watermaster may argue that portions of the Motion and Wagner Declaration supplement
5 the Tech Memo and are responsive to the 2024 Order. As a preliminary matter, neither the Motion
6 nor the Wagner Declaration are part of the 32nd Annual Report, as required by the 2024 Court
7 Order, and neither were made available to the Parties or the Watermaster Board for their review in
8 advance of a Watermaster public hearing to consider them, as required by the Judgment and the
9 Watermaster's Regulation.⁸ Further, even assuming arguendo that the Motion and Wagner
10 Declaration could be deemed to be part of the required plan and timeline, they are still not sufficient.
11 For example, the Motion provides:

12 1. Following completion and calibration of the Regional groundwater
13 modeling, study and utilize its resulting data and information
(**completion date is unknown**, total expenditure expected to be
14 approximately \$2,000,000.00)

15 2. Continuing ongoing analysis of the extensive network of
16 monitoring wells. . . The cost for installing a new monitoring well
to enhance this extensive network ranges from \$150,000.00 to
\$1,000,000.00 depending on the depth and complexity of the well.

17 3. Continuing ongoing study of riparian vegetation using satellite-
18 based remote sensing tools to update consumptive use values for
phreatophytes.

19 4. MWA to develop and implement, by December 31, 2027, a
20 program to identify, monitor and quantify production by Minimal
Producers.

21 5. Identification of any data gaps, and providing a strategy to fill the
22 remaining data gaps. Data gaps include water supply elements such
as mountain front recharge, un-gaged inflow, ephemeral stream
23 contributions are complicated and difficult to evaluate. . . There is no
immediate time frame specified by MWA or any of the parties to
24 expand the existing program for monitoring well data collection. . . .

25 6. The Mojave Water Agency currently is investigating recharge
from ephemeral streams which should be completed by May of 2027,
26 . . .

27 _____
28 ⁸ As noted above, it is unclear whether the Watermaster Board considered and accepted the Tech
Memo when it accepted the 32nd Annual Report. (See Section III.B.)

7. Geophysical investigation and collection of data for evaluation of basin hydrogeology . . . to be completed in June 2028.

(Motion, pp. 10–11 [emphasis added]; see also Motion, pp. 46–49 [similar discussion in Wagner Declaration].) Of these seven items, Watermaster provides a timeline for only three: December 31, 2027 to identify, monitor, and quantify production by Minimal Producers;⁹ May 2027 to evaluate recharge from ephemeral streams; and June 2028 for a geophysical investigation of basin hydrogeology. Although the Court’s 2024 Order asked Watermaster to identify “data gaps” and strategies to fill them (2024 Order, p. 3), Watermaster defers to a future uncertain date when it would evaluate and fill known data gaps (see item 5 above). Watermaster also cites monitoring costs without explaining which costs are reasonable or unreasonable relative to their potential benefit for PSY calculations.¹⁰ (2024 Order, p. 3.)

The Motion, Wagner Declaration, and Tech Memo also appear to mischaracterize the purpose and utility of the future RMBM. The Watermaster Engineer “believes the data and information that will be derived from RMBM, together with other information available to and known by the Watermaster, will be adequate for Watermaster’s further recommendations and reports to the Court.” (Motion, p. 48.) However, the RMBM is an “analytical tool”—it is not hydrologic data collection. (Motion, p. 7 [describing the USGS model as an “analytical tool” and the RMBM as offering a “model-to-model” comparison of elements of water supply once the RMBM is complete].) While GSWC agrees that a robust and properly calibrated RMBM will be an important analytical tool to guide future PSY calculations, reliance on the RMBM for calculations of PSY is only appropriate when “actual records of data are not available” and if the model provides “sound scientific and engineering estimates.” (2024 Order, p. 2, citing Judgment, ¶ 24(w).) The effectiveness and accuracy of RMBM relies on the best available records from hydrologic data collection activities under the Judgment. (Judgment, ¶¶ 24(e), (w); Watermaster’s Response to Objection to Motion to Adjust FPA for Water Year 2025-2026, p. 4 (July 28, 2025))

⁹ The Judgment outlines a process for the Watermaster to identify, to impose assessments on and monitor Minimal Producers. (See Judgment, ¶¶ 1(c)(i)-(ii), 4(q), 25(e), 29, Exh. B.)

¹⁰ GSWC recognizes that hydrologic data collection and additional monitoring equipment will have costs. The Judgment provides various mechanisms for Watermaster to recover those costs and processes for the Parties to challenge and the Court to review those costs if inappropriate. (See Judgment, ¶¶ 25(a)-(e), 36.)

1 “[A] hydrologic model, like the RMBM, is always subject to further modification and
2 improvement based upon later discovered data and input.”].) The Court-ordered plan and timeline
3 thus complement RMBM development and implementation.

4 Watermaster also continues to recoil from any commitment to timely release the RMBM.
5 (See Motion, p. 18 [containing Court’s August 5, 2025 Order where the Court described the RMBM
6 model completion date as a “moving target” because Watermaster reported that completion was
7 then expected to take another 18-30 months to finalize, calibrate, and complete peer-review].) The
8 plan and timeline required by the 2024 Order were not made contingent on the RMBM; rather, the
9 2024 Order contemplated revisiting PSY calculations when the RMBM was completed. (2024
10 Order, p. 2.) Delayed development of the RMBM cannot continue to be a justification to delay all
11 other activities to implement the Judgment and Court orders, including those activities that will
12 improve the RMBM and calculations of PSY.

13 2. The Tech Memo Does Not Adequately Consider the Recommendations in
14 the Brown Report

15 Finally, the Tech Memo fails to consider adequately the recommendations in the Brown
16 Report. First, the Tech Memo fails to perform or plan to complete Recommendation 3 of the Brown
17 Report, which calls for Mann-Kendall statistical analyses of water levels for the Alto Subarea,
18 Centro Subarea, and Transition Zone with respect to time, combined surface and subsurface
19 inflows, and groundwater production, based on three distinct periods. (Motion, p. 165.) The Tech
20 Memo acknowledges that the Watermaster Engineer only performed a Mann-Kendall statistical test
21 for groundwater level trends over time for two different time periods in only the Transition Zone.
22 (Motion, p. 165; Moore Decl., ¶¶ 13, 20.)

23 Second, the Tech Memo does not adequately analyze options for improved surface
24 hydrologic measurement or modeling for locations where surface water measurements are
25 impractical and unavailable, such as at the Helendale Fault boundary between the Centro Subarea
26 and Transition Zone. (Motion, pp. 167–168.) The Brown Report recommends evaluation of
27 improved measurements of surface water flow into the Centro Subarea. (Moore Decl., ¶ 13 [Brown
28

1 Report, pp. 33–35]¹¹.) Surface water flow into the Centro Subarea across Helendale Fault boundary
2 is important for PSY and the Judgment’s Physical Solution. (See, e.g., Judgment, ¶¶ 4(jj), 27, Exh.
3 C, B(1), Exh. H, ¶ 1(b); 32nd Annual Report, pp. 26–27, Fig. 3-10 [describing the Transition Zone
4 Water Balance estimates].) The plan and timeline should explain the explicit reasons why remote
5 sensing and artificial intelligence (AI) technologies for estimating stream flow, along with the
6 feasibility of measuring flow with surface water gages, were rejected, and offer ways in which these
7 estimates can be enhanced at a reasonable cost. Watermaster’s failure to evaluate alternatives
8 represents a missed opportunity to enhance the reliability of PSY calculations by measuring or
9 better estimating the outflows from the Transition Zone and at other Subarea boundaries.

10 To ensure that the Physical Solution provides the “maximum flexibility and adaptability,”
11 the Court and Parties need a hydrologic data collection plan and timeline that helps guide the use
12 of “existing and future technological, social institution and economic options . . . to maximize[] the
13 reasonable beneficial use of water[.]” (Judgment, ¶ 21.) The plan and timeline complement
14 calibration and improvement of the RMBM that, hopefully, will modernize management under the
15 Physical Solution using the best available records and data—and sound scientific and engineering
16 estimates, like the RMBM, where data and records are unavailable. Modernizing water
17 management in the Basin starts with a hydrologic data collection plan and timeline for
18 implementation consistent with the 2024 Order.

19 **IV. CONCLUSION**

20 The plan and timeline required by the 2024 Order are intended to prepare Watermaster for
21 successful implementation of the Judgment’s Physical Solution by improving hydrologic data
22 collection and scientific and engineering estimates for calculations of PSY and FPA. Without a
23 deliberate plan and timeline, Watermaster and the Parties risk allowing another year of management
24 under the Judgment to slip away without meaningful improvements to Watermaster’s data
25 collection efforts and calculation of PSY, which is fundamental to sustainable Basin management.

26 For the foregoing reasons, GSWC respectfully requests that the Court:

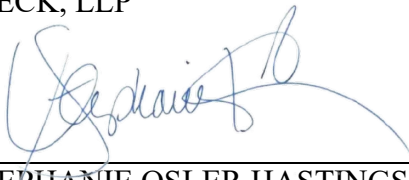
27
28 ¹¹ GSWC’s Evidence in Support of Motion to Enforce Judgment – Volume 1, pp. GSWC0035-0037 (Sep. 6, 2024).

1 1. Find that Watermaster’s plan, as described in the Tech Memo, fails to comply with
2 Court’s 2024 Order; and

3 2. Order Watermaster to re-do the plan, provide the Parties with the notice and hearing
4 procedures required by the Judgment, Watermaster’s Regulations, and applicable law, and submit
5 the revised plan to the Court no later than October 16, 2026.

6 DATED: July 22, 2026

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

7
8
9 By: 
10 STEPHANIE OSLER HASTINGS
11 MACKENZIE W. CARLSON
12 Attorneys for Plaintiff
13 GOLDEN STATE WATER COMPANY
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28

PROOF OF SERVICE

I am over the age of eighteen 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, 1020 State Street, Santa Barbara, California 93101. My electronic service address is Meldridge@bhfs.com. On July 22, 2026, I served a copy of the following document(s):

GOLDEN STATE WATER COMPANY'S OPPOSITION TO WATERMASTER'S 32ND ANNUAL REPORT AND MOTION FOR APPROVAL OF (1) PRODUCTION SAFE YIELD CALCULATIONS, AND (2) FREE PRODUCTION ALLOWANCE RECOMMENDATIONS FOR WATER YEAR 2026-2027



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 and on the attached service list

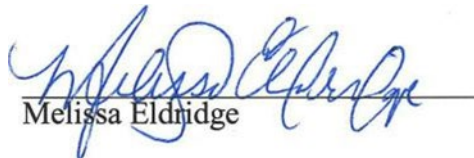
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Mojave Basin Area Watermaster

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 22, 2026, 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.

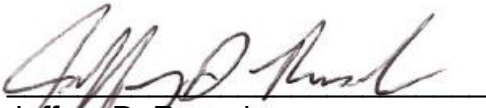
July 23, 2026, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

Golden State Water Company's Opposition to Watermaster's 32nd Annual Report and Motion for Approval of (1) Production Safe Yield Calculations, 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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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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