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8 MOJAVE WATER AGENCY

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

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

13 MOJAVE BASIN WATER CASES

14 CITY OF BARSTOW,

15 Plaintiff,

16 vs.

17 CITY OF ADELANTO, et al.,

18 Defendant.

19 AND RELATED CROSS ACTIONS
20

CASE NO.: CIV 208568 / JCCP NO.: 5265

Dept. 1, Riverside Superior Court
Hon. Craig G. Riemer, Retired

**WATERMASTER'S REPLY BRIEF IN
RESPONSE TO OBJECTIONS TO
MOTION TO ADJUST PRODUCTION
SAFE YIELD AND FREE
PRODUCTION ALLOWANCE VALUES
FOR WATER YEAR 2026-2027;
SUPPORTING DECLARATION**

Date: August 12, 2026

Time: 10:00 a.m.

Dept.: 1

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

TABLE OF CONTENTS

	<u>PAGE</u>
I. Response to Objections by NSRLA.....	2
A. Introduction.....	2
B. Watermaster does not recommend a reduction in FPA for Baja.....	2
C. Exhibit H of the Judgment requires consideration of public trust resources.....	3
D. The Judgment treats the Baja Subarea as a single subarea.....	3
E. The conditions at Camp Cady are the result of decades of Historical overdraft in Baja.....	4
F. NSRLA's "upstream responsibility" argument.....	4
G. NSRLA misinterprets the USGS report on upstream pumping.....	5
H. NSRLA claims that upstream dams reduce flows that recharge Camp Cady.....	6
I. Conclusion.....	8
II. Response to Objections by CDFW.....	8
A. Introduction.....	8
B. CDFW misinterprets changes in methodology with changes in water availability.....	9
C. Watermaster's reliance on groundwater levels.....	11
D. Interpretation of groundwater levels is appropriate to evaluate changes in groundwater storage.....	13
E. Watermaster considered public trust resources.....	14
F. Under the Judgment, the Alto producers do not owe an obligation to Baja.....	15
G. The Judgment does not mandate reductions in FPA for protection of public trust resources.....	15
H. CDFW claim that reduction in Mojave River flows reaching Baja is due to pumping in Alto and Centro.....	15
I. Whether Watermaster should wait until the Regional Mojave Basin Model is completed to consider changes in PSY or FPA.....	16
J. Conclusion.....	17

1	III.	Response to Objections by GSWC.....	17
2	A.	Introduction.....	17
3	B.	The compressed time schedule.....	17
4	C.	Watermaster complied with the Court’s October 23, 2024 Order.....	18
5	D.	Watermaster already maintains a robust hydrologic data collection program.....	19
6	E.	Watermaster considered additional monitoring opportunities, including a new Streamflow Gage at or near the Helendale Fault.....	19
7	F.	GSWC has not demonstrated that Watermaster's methodology is inadequate.....	20
8	G.	Conclusion.....	21
9	IV.	Response from City of Victorville.....	21
10	V.	Conclusion.....	22
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

1 The Mojave Water Agency, as the Court appointed Watermaster, submits this Reply Brief
2 in further support of its motion for approval of Watermaster's PSY and FPA recommendations,
3 and in response to Objections thereto filed by the Newberry Springs Recreational Lakes
4 Association (NSRLA), the California Department of Fish & Wildlife ("CDFW"), and the
5 Golden State Water Company ("GSWC").

6 **I.**

7 **Response to Objections by NSRLA**

8 **A. Introduction.**

9 Application of the Judgment's mathematical formula using the Court-ordered 1931-1990
10 hydrologic base period yields an indicated Baja Subarea FPA of approximately 24.5% of BAP.
11 Nonetheless, after considering all factors required by the Judgment, including the protection of public
12 trust resources identified in Exhibit H and the continuing groundwater-level concerns at the Camp Cady
13 Area, Watermaster recommends that the Baja FPA remain at the current Court-ordered level of 19.5%
14 of BAP (Wagner Declaration, Exhibit 1 hereto, 17:16-21[page 17, lines 16-21]).

15 The Opposition of Newberry Springs Recreational Lakes Association (NSRLA) incorrectly
16 treats the mathematically indicated FPA as mandatory and assumes the Judgment requires that
17 Watermaster and the Court ignore all other considerations. NSRLA overlooks the fact that Exhibit H
18 expressly requires consideration of groundwater conditions affecting protected riparian habitat and
19 public trust resources in the subarea in which FPA is to be determined.

20 **B. Watermaster does not recommend a reduction in FPA for Baja.**

21 NSRLA repeatedly characterizes Watermaster's FPA recommendation as a reduction. That
22 characterization is incorrect. The current FPA for Baja of 19.5% of BAP is the value set by the Court
23 when considering the 2001-2020 base period, and Watermaster is not recommending a decrease in that
24 FPA value (Wagner Declaration, Exhibit 1 hereto, 28:5-9). Nor is Watermaster recommending "an
25 artificial reduction in pumping in Baja," as NSRLA suggests. As noted, the current Baja FPA is 19.5%.
26 Watermaster recommends the Baja FPA remain unchanged at 19.5% for Water Year 2026-2027.

27 Importantly, pumping in the Baja Subarea already is less than Baja's FPA value of 19.5%
28 (Wagner Declaration, Exhibit 1 hereto, 28:11). If Baja Producers need to, they can pump more than their

1 FPA and purchase Replacement Water or pursue transfers pursuant to the terms of the Judgment. Thus,
2 the question is not whether Baja should be subjected to a new reduction in FPA, but whether there
3 should be an increase in FPA from 19.5% to 24.5% (as argued by NSRLA), despite CDFW's continuing
4 concerns regarding the conditions at Camp Cady.

5 **C. Exhibit H of the Judgment requires consideration of public trust resources.**

6 NSRLA attempts to minimize the significance of other provisions of Exhibit H by arguing that
7 the Biological Resources Trust Fund provides the exclusive remedy for impacts to riparian habitat. That
8 argument ignores important provisions of Exhibit H which require that Watermaster and the Court give
9 "consideration" to the protection of public trust resources in a subarea when considering whether to
10 adjust FPA in that subarea.

11 Even the statement attributed to Watermaster counsel at the June 24, 2026 Watermaster Board
12 meeting recognized that public trust resources must be "considered" when determining FPA
13 recommendations. Counsel's statement merely explained that such considerations are not "the sole
14 factor" in determining FPA.

15 Watermaster properly "considered" the evidence presented by the California Department of Fish
16 and Wildlife regarding continuing groundwater decline and riparian habitat stress at Camp Cady and,
17 based thereon, determined that maintaining the current FPA is appropriate (Wagner Declaration, Exhibit
18 1 hereto, 29:5-7). That recommendation is consistent with Exhibit H and the Court's prior rulings.

19 **D. The Judgment treats the Baja Subarea as a single subarea.**

20 Dr. Laton's Declaration (in support of NSRLA's Opposition) suggests that Baja should be
21 analyzed as two separate groundwater systems divided by the Calico Fault. Dr. Laton also argues that
22 pumping west of the fault has little effect on conditions at Camp Cady east of the fault.

23 The problem with NSRLA's argument is that the Judgment does not divide the Baja Subarea into
24 separate adjudicated management areas. The Judgment treats Baja as a single Subarea. Base Annual
25 Production, Production Safe Yield, and Free Production Allowance are all to be established and
26 managed for the entire Subarea.

27 If NSRLA believes the Judgment should be amended to create separate management zones
28 within Baja, that relief would require a separate motion. It cannot be accomplished indirectly through

1 an annual FPA proceeding.

2 **E. The conditions at Camp Cady are the result of decades of Historical overdraft in Baja.**

3 Groundwater levels at Camp Cady remain significantly below desired conditions; Watermaster's
4 recommendation reflects a precautionary approach intended to avoid allowing additional pumping free
5 of replacement water assessment immediately upstream of the riparian habitat area (Wagner Declaration,
6 Exhibit 1 hereto, 29:22-30:2). The Court set the FPA for Baja at 19.5% of BAP and Watermaster
7 concludes that if FPA is increased in Baja, the possible result would be more pumping immediately
8 upstream of Camp Cady, resulting in more reduced groundwater at Camp Cady (Wagner Declaration,
9 Exhibit 1 hereto, 30:2-4).

10 Moreover, Baja has experienced at least 80 years of overdraft before recent reductions in
11 pumping; a hydrograph showing historical water production in the Baja Subarea from 1931 to 2025 is
12 attached as Exhibit 2 hereto (Wagner Declaration, Exhibit 1 hereto, 30:5-7). The negative conditions
13 observed today at Camp Cady are the cumulative result of long-term historical overdraft (Wagner
14 Declaration, Exhibit 1 hereto, 30:7-8).

15 **F. NSRLA's "upstream responsibility" argument.**

16 NSRLA argues that increasing FPA and PSY in Alto and Centro, while maintaining the current
17 Baja FPA, is inappropriate because additional upstream pumping will contribute to reduced flows
18 reaching Camp Cady. However, the Judgment regulates each Subarea separately and allocates
19 responsibilities accordingly. As reflected in Paragraph 22 of the Judgment, adverse impacts associated
20 with rampdown provisions are borne by the applicable Subarea:

21 *... the reasonableness of any physical solution as applied to each Producer depends in part*
22 *upon such Producer's foreseeable needs and the present and future availability of water within*
23 *the Subarea in which each Producer is located. ... Any adverse impact to any Subarea caused*
24 *by the implementation of the provisions shall be the responsibility of the Producers in each such*
25 *Subarea.* (emphasis added)

26 The Judgment does not impose any obligation on the Alto producers to maintain additional water
27 supplies for Baja producers. In fact, under the Judgment the Alto producers have no Subarea Obligation
28 to the Baja Subarea.

1 Watermaster's FPA recommendation for Alto is based upon conditions and calculations
2 applicable to Alto; the FPA recommendation for Baja is based upon conditions applicable to Baja,
3 including Exhibit H considerations (Wagner Declaration, Exhibit 1 hereto, 31:1-3). The fact that
4 different Subareas receive different FPA recommendations does not establish arbitrariness or that
5 Watermaster's recommendations are based upon "political" considerations. Different FPA
6 recommendations for different subareas merely reflect the Judgment's requirement that each Subarea
7 be evaluated separately (Judgment, paragraph 22).

8 Moreover, Watermaster's recommendation for higher FPA in the Alto and Centro Subareas does
9 not mean more pumping will necessarily occur in Alto and Centro; hydrographs showing historical
10 water production in the Alto Subarea (including the Transition Zone) and the Centro Subarea from 1931
11 to 2025 are included in Exhibits 3 and 4 hereto. They show a significant drop in total groundwater
12 pumping in both Alto and Centro; water production has decreased from about 122,797 acre-feet in 1990,
13 to 76,329 acre-feet in 2025 (38% reduction) in Alto, and from about 38,336 acre-feet in 1990, to 15,884
14 acre-feet in 2025 (about 59% reduction) in Centro (Wagner Declaration, Exhibit 1 hereto, 31:8-15).
15 NSRLA's position that upstream pumping is the cause of overdraft conditions in Baja ignores the fact
16 that (a) Alto and Centro producers have significantly reduced pumping (about 47,000 acre feet per-year
17 in Alto, and about 22,000 acre-feet per year in Centro), and (b) Alto and Centro are meeting the
18 Judgment's Subarea Obligations (Wagner Declaration, Exhibit 1 hereto, pp. 31:15-18).

19 **G. NSRLA misinterprets the USGS report on upstream pumping.**

20 Dr. Laton's declaration quotes the USGS report by Stamos et al. (2001) regarding the influence
21 of pumping in the Upper Mojave Watershed on surface flows in Baja, as follows: "*overall, pumping in*
22 *the lower region does not negatively affect the upper region; however, pumping in the upper region*
23 *negatively affects the lower region by decreasing recharge from the Mojave River*" (Stamos et al.,
24 2001).

25 The foregoing statement is based upon a hypothetical assumption as to what the result would
26 be if there was absolutely no pumping in the upper region (Alto, Transition Zone, Este, and Oeste) and
27 60 years of over pumping in the lower region (Centro, Harper Lake, Baja, Coyote Lake, and Afton
28 Canyon); in that extreme hypothetical scenario, the result would be more recharge available to the lower

1 region (Wagner Declaration, Exhibit 1 hereto, 32:3-7). That hypothetical simulation resulted in about
2 3,230 acre-feet per year less storage depletion in Baja when compared to the base case (i.e., when
3 pumping occurred in all model subareas), whereas the base case scenario showed that storage depletion
4 in the Baja model subarea is about 14,490 acre-feet per year (Stamos et al., 2001). (Wagner Declaration,
5 Exhibit 1 hereto, 32:7-10.)

6 Therefore, the “Lower Region Pumping Only” simulation demonstrated that **even if there was**
7 **zero pumping in the upper region, there would still be significant overdraft in Baja (about 11,260**
8 **acre-feet per year)**. (Wagner Declaration, Exhibit 1 hereto, pp. XXX.) Thus, the decades long overdraft
9 in Baja is due to Baja over pumping, which is the cause of water level decline and corresponding habitat
10 loss (Wagner Declaration, Exhibit 1 hereto, 32:11-14).

11 Importantly, the USGS report did not find that pumping in the upper region was responsible for
12 overdraft in the lower region; the purpose of the USGS pumping simulations was to evaluate effects on
13 groundwater and surface water relations, not to determine that upstream pumping was the cause of
14 overdraft in the lower basin (Wagner Declaration, Exhibit 1 hereto, 32:15-18).

15 Dr. Laton ignores the cumulative loss of storage in Baja, estimated by USGS to have been 1.1
16 million acre-feet as of 1999 (USGS Fact Sheet, fig.4., Stamos, 2001), and as estimated by Watermaster
17 an additional loss of storage since 1999 of 450,000 acre-feet to Water Year 2024-25, which are more
18 likely than not true (Wagner Declaration, Exhibit 1 hereto, 32:19-22).

19 According to the USGS Fact Sheet (Stamos 2001), overdraft began in the Centro and Baja
20 Subareas by the early 1950’s and in all subareas by the 1960’s. Further, water levels have fallen “almost
21 100 feet in the Baja subarea south of the river since the early 1930s”; the consequence of loss in storage
22 in Baja is falling water levels since the 1930s (until recently) which resulted in decreased subsurface flow
23 within Baja, across the Calico Fault, and further downstream, impacting Camp Cady (Wagner
24 Declaration, Exhibit 1 hereto, 33:1-6). Upstream of the Calico Fault, the hydrographs with a long period
25 of record show water level decline up to 100 feet since 1931 to present (Wagner Declaration, Exhibit
26 1 hereto, 33:6-9).

27 **H. NSRLA claims that upstream dams reduce flows that recharge Camp Cady.**

28 NSRLA states that the Silverwood Lake/Cedar Springs Dam and the Mojave River Dam (Forks

1 Dam) (constructed and in operation in 1971 and 1974, respectively, and located upstream of the Mojave
2 Basin Area) attenuate storm peak flows and, thus, reduce the average daily flows measured at the Lower
3 Narrows and Barstow gages; and that peak flows of high magnitude and short duration are necessary
4 to reach Baja and recharge Camp Cady.

5 The Forks Dam operates and flows as an open channel until the inflow reaches 7,300 cfs; this
6 is the normal, non-flood control operating condition of the dam and reservoir (Wagner Declaration,
7 Exhibit 1 hereto, 33:17-18). The flood control aspect of the Forks Dam delays the peak flows, but it does
8 not reduce the volume of flow downstream; therefore, it does not interrupt or reduce the flow to Centro
9 or Baja (Wagner Declaration, Exhibit 1 hereto, 33:18-20). The only attenuation happens above the 7,300
10 cfs flow (Wagner Declaration, Exhibit 1 hereto, 33:20-21). Moreover, the dams have been in operation
11 since the 1970s, and they are part of the baseline hydrology under the Judgment.

12 Cedar Springs Dam (Lake Silverwood, 1971), located at the headwaters of the Mojave River
13 Watershed is operated by the California Department of Water Resources as part of the State Water
14 Project (SWP). The lake temporarily stores imported water from the SWP; local inflow to Lake
15 Silverwood is monitored and measured by DWR and released to the Mojave River system upstream of
16 the USGS Mojave River West Fork stream gage (Wagner Declaration, Exhibit 1 hereto, 34:3-5).

17 Notably, the West Fork of the Mojave River flows into the flood control facility, Mojave River
18 Forks Reservoir (1971) which is controlled by the US Army Corps of Engineers (ACOE). Thus, releases
19 from Lake Silverwood, flow into the Mojave River system flow through the flood control structure.

20 There are four important observations related to Dr. Laton's claim that the "dams" have altered
21 the flow regime in the Mojave River, and impacted downstream water supply, leading to reduced
22 recharge in Baja Subarea and thus falling water levels:

23 (1) The Mojave Water Agency and Watermaster do not control the operations of either
24 facility.

25 (2) Most significantly, the Mojave River Forks Reservoir is ungated, meaning the outlet has
26 no closure and is always open; the reservoir operation regulates only very high flow and only for a short
27 time for flood control protection of the downstream developed area and populations (Wagner
28 Declaration, Exhibit 1 hereto, 34:13-16).

1 (3) The dams were constructed and operational 25 years prior to entry of the Judgment and
2 any effect that they may have on downstream flow is part of the baseline hydrology that existed before
3 and since entry of Judgment (Wagner Declaration, Exhibit 1 hereto, 34:16-17).

4 (4) The impact of the Dams on the volume of flow downstream is minimal (Wagner
5 Declaration, Exhibit 1 hereto, 34:22-36:1).

6 Although the dams may temporarily attenuate flood flows during large storm events, their overall
7 effect on downstream recharge is likely minor; and increasing streamflow losses in the upper reaches
8 of the basin began prior to construction of the dams and the groundwater level declines caused by
9 increased groundwater production and prolonged dry conditions since the late 1940s are likely far more
10 significant factors affecting downstream flows and recharge than dam operations (Wagner Declaration,
11 Exhibit 1 hereto, 36:1-6).

12 **I. Conclusion.**

13 For the foregoing reasons, NSRLA's Opposition fails to demonstrate any reason why
14 Watermaster's recommendation that FPA for the Baja Subarea remain unchanged at 19.5% should not
15 be approved.

16 **II.**

17 **Response to Objections by CDFW**

18 **A. Introduction.**

19 CDFW supports Watermaster's recommendation to maintain the FPA in Baja Subarea at 19.5%
20 of BAP for Water Year 2026-2027 and to reduce the FPA in Centro Subarea to 55.8% of BAP.
21 However, CDFW opposes Watermaster's recommendation to increase the FPA in Alto Subarea to
22 54.5% of BAP and the FPA for Oeste to 51.9% of BAP. CDFW contends that Watermaster's proposed
23 increases in PSY and corresponding FPA adjustments are not supported by current hydrologic
24 conditions, ignores the ongoing groundwater level declines at Exhibit H wells and public trust resource
25 concerns, and rely primarily on information derived from the United States Geological Survey's
26 groundwater model developed by Stamos et al. (2001). CDFW further argues that Watermaster should
27 place greater emphasis on groundwater conditions, including groundwater levels at Exhibit H
28 compliance wells, contends that Watermaster's analysis assumes no storage loss in Este and Oeste

1 Subareas without sufficient justification, and proposes that changes in PSY or FPA be deferred until
2 completion and independent review of the Regional Mojave Basin Model (“RMBM”).

3 CDFW’s opposition, however, is based largely on a misunderstanding of the purpose of
4 Watermaster’s PSY evaluation and requirements of the Judgment. Watermaster’s recommendations
5 were developed in response to the Court’s direction to evaluate PSY using the 1931-1990 hydrologic
6 base period and were based on the best available scientific information applicable to that period and for
7 the entire Basin Area. While CDFW and Mr. Blanke disagree with certain aspects of Watermaster’s
8 analysis and recommendations, neither demonstrates that Watermaster’s calculations are inconsistent
9 with applicable provisions of the Judgment or that the proposed FPA adjustments fail to account for
10 relevant hydrologic and public trust resources considerations. As discussed below, Watermaster’s
11 analysis is technically accurate, consistent with the Court’s direction and implementation of the
12 Judgment and properly takes into consideration the protection of public trust resources. For these
13 reasons, CDFW’s opposition and the declarations of Aaron Johnson and James Blanke do not provide
14 a basis for rejecting Watermaster’s recommendations.

15 **B. CDFW misinterprets changes in methodology with changes in water availability.**

16 CDFW and James Blanke contend that the increases in PSY for Alto, Centro, and Baja are
17 attributable to Watermaster’s use of the USGS groundwater model by Stamos et al. (2001), rather than
18 any actual increase in water availability. This criticism, however, ignores the purpose of Watermaster’s
19 analysis.

20 The Court directed Watermaster to re-evaluate PSY using the 1931-1990 hydrologic base period.
21 Watermaster complied with that directive and utilized the most comprehensive, technical information
22 available for that base period. The use of the USGS model does not increase the amount of water
23 available within the Basin Area; instead, it provides a more complete and consistent estimate of the
24 historical amount of flows between and within the Subareas during the 1931-1990 Court-ordered base
25 period (Wagner Declaration, Exhibit 1 hereto, 38:5-8). The USGS model was used for several reasons:

26 (1) The USGS model covers the entire hydrologic base period 1931-1990. The USGS model
27 was published 5 years after entry of the Judgment (1996), and after the Supreme Court’s decision and,
28 therefore, is more recent than the estimates provided on Table 5-1 (as presented first on Table C-1 of

1 the Judgment and subsequently by Webb (2000)).

2 (2) The USGS model includes all subareas.

3 (3) Third, several parties have supported using a model for PSY re-determination.

4 Therefore, Watermaster's current calculations utilize the data from the most recent model
5 developed, covered all subareas, and fully captured the 1931-1990 hydrologic base period. (Wagner
6 Declaration, Exhibit 1 hereto, 38:9-15.)

7 CDFW characterizes the use of the USGS model as a change in methodology. This
8 characterization is incomplete. The methodology used by Watermaster evaluates the elements of water
9 supply use and disposal as indicated on Table C-1 of Judgment; and some of the estimates of these
10 elements, made by others, and agreed to by the Parties, have been updated by incorporating the output
11 from the USGS model by Stamos (Este and Oeste are evaluated based on water level changes). (Wagner
12 Declaration, Exhibit 1 hereto, 38:16-21.)

13 Further, the Judgment does not require Watermaster to rely indefinitely on older estimates when
14 more comprehensive information exists. The USGS model remains the most detailed hydrologic model
15 available that covers the entire 1931-1990 base period and all subareas of the Basin Area (Wagner
16 Declaration, Exhibit 1 hereto, 38:22-39:2). Furthermore, the USGS model has been publicly available
17 for over two decades and has been extensively reviewed and cited by numerous Mojave Basin
18 investigations. (Wagner Declaration, Exhibit 1 hereto, 39:2-3.)

19 CDFW itself acknowledges that the USGS model "is a reasonable technical reference".
20 However, CDFW questions why Watermaster is using it now. The answer is straightforward: because
21 the Court directed Watermaster to return to the 1931-1990 base period, and the USGS model provides
22 the most complete estimates for that period (Wagner Declaration, Exhibit 1 hereto, 39:4-7).

23 CDFW notes that in Watermaster's Water Year 2021-2022 Annual Report, the surface water
24 inflow to Alto of 68,500 acre-feet was based on the average gaged flow of the Mojave River at The
25 Forks during the 1931-1990 base period and includes 3,000 acre-feet of ungaged inflow. CDFW argues
26 that for Water Year 2026-27, Watermaster's calculation increases the surface water inflow to Alto to
27 be 73,301 acre-feet, with an additional 2,280 acre-feet of Tributary Inflow to Alto from the USGS
28 model, for a combined total of 75,581 acre-feet, despite using the same hydrologic base period of 1931-

1 1990. CDFW complains that the increase in surface water is over 7,000 acre-feet due to the use of the
2 USGS model rather than a change in the hydrogeologic conditions in the Basin.

3 In response to CDFW's comments, Watermaster first clarifies that the PSY calculation for Alto
4 using the 1931-1990 hydrologic base period does not change the water supply to the Basin Area; rather,
5 it changes the manner in which Watermaster recommends the water supply be managed (Wagner
6 Declaration, Exhibit 1 hereto, 39:17-20).

7 The estimates of subsurface flow, mountain front recharge, deep percolation of precipitation,
8 ungaged inflow, are only estimates made by various researchers over time (and were agreed to by the
9 Parties); these elements of supply are very difficult to quantify; and the use of the output from the USGS
10 model for these elements is considered more reliable because they are related (by the model) to all other
11 elements as part of model calibration (Wagner Declaration, Exhibit 1 hereto, pp. XXX). These elements
12 of supply will be updated by the RMBM, but as of this time, they are considered the best scientific
13 estimates available (Wagner Declaration, Exhibit 1 hereto, 39:21-40:4).

14 The re-calculated PSY values result primarily from a more complete representation of historical
15 recharge, subsurface flows among Subareas, and ungaged tributary inflows – based upon the historical
16 data, and not from a conclusion that present-day conditions are wetter than in prior years (Wagner
17 Declaration, Exhibit 1 hereto, 40:4-6).

18 It also is significant that Watermaster's Water Year 2021-2022 Annual Report indicated a PSY
19 for the Alto Subarea of 64,406 acre-feet, which is about 1.5% higher than the current recommended PSY
20 of 63,442 acre-feet (Wagner Declaration, Exhibit 1 hereto, 40:8-10).

21 **C. Watermaster's reliance on groundwater levels.**

22 CDFW questions the reliance on water level interpretations to recommend an increase in FPA
23 for Oeste of 6.9 percentage points to 51.9% of BAP, and a decrease in FPA for Este by 5 percentage
24 points to 40% of BAP. CDFW states, "many wells within Este and Oeste show declining trends in
25 groundwater levels," and CDFW questions Watermaster's evidence showing stability in water levels
26 for Este and Oeste. As demonstrated below, CDFW's claims are not supported by the available data.

27 Watermaster's technical memorandum "Production Safe Yield Update and Recommendation
28 for Free Production Allowance for Water Year 2026-27" provides detailed analysis of the behavior of

1 water level trends in the Este and Oeste Subareas, and is more likely than not true (Wagner Declaration,
2 Exhibit 1 hereto, 40:18-21).

3 In Oeste, only two wells out of 18 (not “many wells” as CDFW suggests) show a continuous
4 decline in the water levels: composite wells 06N07W10P02 and Q02 (noted to be potentially influenced
5 by pumping), and well 06N07W20D01 (Wagner Declaration, Exhibit 1 hereto, 40:22-41:1).

6 The wells located near Phelan show more variability in their water levels. However, most of
7 these wells are noted to be “potentially influenced by pumping of well or wells in the vicinity”; and if
8 only the wells not potentially influenced by nearby pumping are considered, water levels have been
9 stable and generally show some recovery (and these findings are more likely than not true) (Wagner
10 Declaration, Exhibit 1 hereto, 41:9-12). Some wells have recovered by approximately 30 to 70 feet
11 (06N07W26C01 and 06N07W23C03); further, while influenced by pumping, Phelan Piñon Hills
12 Community Services District (PPHCSD) has not reported water quality, well performance, or long-term
13 declining water problems as would be expected with continued overdraft and negative impacts to
14 groundwater resources (Wagner Declaration, Exhibit 1 hereto, pp. 41:9-17).

15 PPHCSD also has reported that its wells react (increase) many months after storm events which
16 indicate delayed recharge. Accounting for all these factors, the reliance upon pumping data over a finite
17 time period, which corresponds to observed water level stability, is an acceptable methodology to
18 estimate PSY; it also is consistent with the calculation envisioned by Table C-1 of the Judgment (PSY
19 = Pumping + Change in Storage). (Wagner Declaration, Exhibit 1 hereto, 41:17-21)

20 For Oeste, the indicated FPA is calculated by dividing the indicated PSY of 3,685 acre-feet by
21 the Base Annual Production of 7,095 acre-feet; accordingly, the recommended FPA value for Oeste is
22 51.9%, which is an increase of 6.9 percentage points relative to the current FPA of 45% (Wagner
23 Declaration, Exhibit 1 hereto, 41:21-42:2).

24 In Este, some wells show declining water levels over time; however, these are exceptions (only
25 3 out of 32 wells); overall, most wells show relatively stable or rising water levels over time (Wagner
26 Declaration, Exhibit 1 hereto, 42:3-5). Nevertheless, because the FPA exceeds the indicated PSY by
27 more than 5%, a 5-percent decrease of FPA is recommended.

1 **D. Interpretation of groundwater levels is appropriate to evaluate changes in groundwater**
2 **storage.**

3 CDFW claims Watermaster's interpretation of groundwater level as a proxy for changes in
4 groundwater storage is inappropriate and not a valid substitute for water budget calculations. CDFW
5 states that groundwater levels do not quantify all elements of the water budget for a subarea, including
6 surface water inflow, subsurface flows, recharge, consumptive use and outflows. CDFW also states that
7 internal consistency is lost when ignoring the water-budget calculations in Este and Oeste Subareas.

8 As noted above, the Judgment's Production Safe Yield definition states that $PSY = \text{Pumping} +$
9 Change in storage . Accordingly, because water levels are relatively stable in the Este, Oeste and Baja
10 Subareas, the change in groundwater storage accounts for all elements of the water budget, i.e., because
11 water levels are relatively stable, total inflow = total consumptive use and outflow (Wagner Declaration,
12 Exhibit 1 hereto, 43:5-9).

13 The guidance provided by DWR in its Groundwater Water Budget Best Management Practices
14 (BMP) supports Watermaster's approach of basing the change in storage for those subareas on the
15 observed changes in groundwater levels; this is particularly true in light of the uncertainty in the
16 estimates of water supply to Este, Oeste and Baja (Wagner Declaration, Exhibit 1 hereto, 43:10-13).

17 This conclusion does not change or affect the relationship between one subarea and another. In
18 the case of the upper basin area, which includes Fifteen Mile Valley in Este, Oeste and Alto, the
19 "boundary" between the subarea is merely a surface expression and not a geologic boundary or a flow
20 restriction boundary; these sections are several miles wide, and hundreds to thousands of feet deep
21 (Wagner Declaration, Exhibit 1 hereto, 43:14-18). The subsurface movement of water across the surface
22 expression is governed entirely by the groundwater gradient over a long period of time as the other
23 properties, physical and hydrogeologic (cross sectional area of flow, saturated thickness, hydraulic
24 conductivity) remain relatively constant over time (Wagner Declaration, Exhibit 1 hereto, 43:18-21).
25 Various analyses suggest that the gradient in these areas is little changed over time (CSUF; Napoli and
26 Laton, 2005; Todd Engineers, 2013; Webb, 2000) (Wagner Declaration, Exhibit 1 hereto, 43:21-22).

27 Relevant hydrographs are available for inspection and the water levels presented thereon clearly
28 indicate water levels have stabilized or are increasing (Watermaster's 32nd Annual Report, Figures 3-14,

3-16 and 3-17). This is more likely than not true (Wagner Declaration, Exhibit 1 hereto, 44:1-3). Consequently, for Este, Oeste, and Baja insufficient water supply data exists for the preparation of reliable water budgets that could match or improve the accuracy of determinations based upon 30 years of water level observations since at least 1996 in Este and 2010 in Oeste (Wagner Declaration, Exhibit 1 hereto, 44:3-6). As mentioned above, Watermaster's reliance upon observed groundwater levels is fully in accord with DWR's guidance from the 2016 Groundwater Water Budget Best Management Practices (BMP) which states that:

The change in groundwater in storage is the total change in storage between seasonal high conditions, which typically occurs in the spring. It is recommended that the change in storage estimates be based on observed changes in groundwater levels within the basin. However, change in groundwater storage may also be calculated as the difference between annual inflows and outflows according to the water budget equation in Section 3, where all inflows and outflows can be reliably measured or estimated.

Following DWR's recommendations and the explanations above, Watermaster continues to rely on measured groundwater levels to evaluate the changes in storage for the Este, Oeste and Baja Subareas (Wagner Declaration, Exhibit 1 hereto, 4:15-17).

E. Watermaster considered public trust resources.

CDFW argues that the protection of public trust resources in all subareas must be "considered" and those water levels indicate that the Alto FPA should not be increased but rather maintained or reduced.¹ In recommending the current FPA for Baja of 19.5% remain unchanged, Watermaster did consider public trust resources as well as habitat conditions at Camp Cady.

Moreover, FPA reductions can only do so much. Other remedies under the Judgment for preventing further groundwater decline and additional damage to riparian habitat include the purchase and strategic placement or use of Supplemental Water, or the purchase of BAP upstream of Camp Cady. That may be accomplished through prudent use of funds available in the Biological Resources Trust Fund. It may be noteworthy that in 2026, CDFW obtained authorization to have Watermaster release

¹ As it did in 2025, CDFW again recommends a comparison of measured groundwater levels at the compliance wells in Table H-2 of Exhibit H.

1 \$288,976.00 from the Biological Resources Trust Fund, none of which was earmarked for purchase of
2 Supplemental Water or Base Annual Production Rights (as allowed in Exhibit H). (See Exhibit 5
3 hereto).

4 **F. Under the Judgment, the Alto producers do not owe an obligation to Baja.**

5 It also is important to note that under the terms of the Judgment, the Alto producers do not owe
6 any obligations to producers in the Baja Subarea. The Alto producers' Subarea Obligation is owed only
7 to the Centro Subarea, not to the Baja Subarea.

8 **G. The Judgment does not mandate reductions in FPA for protection of public trust**
9 **resources.**

10 Paragraph 2a of Exhibit H of the Judgment indicates that when determining whether to
11 recommend decreases or increases in FPA, Watermaster shall give "consideration" to the protection of
12 public trust resources; however, the Judgment does not mandate that Watermaster recommend FPA
13 reductions for that reason alone. If the stipulating Parties (including CDFW) and the Court had so
14 intended, that mandate would have been clearly stated in the Judgment. It is not. Accordingly, the
15 protection of public trust resources is an important factor to be "considered" when determining whether
16 to decrease or increase FPA, but it is not the only factor to be considered and it is not necessarily the
17 determining factor.

18 **H. CDFW claim that reduction in Mojave River flows reaching Baja is due to pumping in**
19 **Alto and Centro.**

20 Mr. Blanke's declaration states that pumping in the Alto and Centro Subareas reduce the Mojave
21 River flows entering Baja Subareas, and is responsible for the long-term decline in groundwater levels
22 within Baja; and, therefore, the conditions in the Baja Subarea do not support an increase of FPA in
23 Alto. The Judgment, however, does not prohibit an increase or mandate a reduction in Alto or Centro
24 FPA for the benefit of Baja or Camp Cady. This is so for four reasons:

25 (1) The Judgment provides that each Subarea is to be managed separately.

26 (2) There is no provision in the Judgment that indicates that, in order to protect downstream
27 public trust resources, FPA for upstream producers who meet their Subarea obligations to downstream
28 users must be reduced or cannot be increased.

1 (3) The Alto producers meet their Subarea Obligation to Centro, and do not owe any further
2 obligation to Baja; and,

3 (4) As noted above, the Judgment does not mandate reductions or prohibit increases in FPA
4 for the protection of public trust resources.

5 Additionally, pumping in both Alto and Centro has declined since 1990; pumping has declined
6 by 40% in Alto and 57% in Centro since 1991, after the initial base period (Wagner Declaration, Exhibit
7 1 hereto, 45:21-23). Alto and Centro subareas are meeting their obligations under the Judgment.
8 Further, Watermaster's recommendation is for FPA in Centro to be reduced.

9 It also important to remember that the Judgment's goal and purpose is to eliminate or reduce
10 *additional* overdraft in each Subarea, *not to restore previous groundwater levels*. CDFW's argument
11 relates more to historical overdraft in Baja experienced in the past, which was estimated by USGS
12 model to be cumulative of 1.1 million acre-feet from 1931 to 1999 (Wagner Declaration, Exhibit 1
13 hereto, 46:1-4).

14 The Judgment already contains mechanisms specifically designed to address downstream
15 impacts, including Subarea Obligations, the Biological Resources Trust Fund, and injunctions against
16 diverting storm flows, etc. Watermaster's recommendations were developed within that framework.

17 **I. Whether Watermaster should wait until the Regional Mojave Basin Model is completed**
18 **to consider changes in PSY or FPA.**

19 CDFW recommends postponing making changes to PSY or FPA until completion of the
20 RMBM. However, nothing in the Judgment requires Watermaster to delay PSY or FPA evaluations
21 pending development of a new model. Watermaster has been directed to perform the PSY and FPA
22 evaluations using the best information presently available.

23 When the Mojave Water Agency completes the Regional Model, it will be peer reviewed and,
24 as appropriate, used by Watermaster to inform management decisions for PSY and FPA. Until that time,
25 and until a new hydrologic base period is approved, the use of output from the USGS model developed
26 by Stamos (2001) model is appropriate and will continue, unless the Court orders otherwise.

27 ///

1 **J. Conclusion.**

2 For the foregoing reasons, CDFW's Opposition fails to demonstrate any reason why
3 Watermaster's recommendations for PSY and FPA values should not be approved.²

4 **III.**

5 **Response to Objections by GSWC**

6 **A. Introduction.**

7 Much of the Opposition by Golden State Water Company (GSWC) relates to alleged procedural
8 deficiencies relating to Watermaster's adoption of its annual report and the Technical
9 Memorandum of Watermaster's engineer relating to GSWC's recommendations for methods to
10 purportedly improve Watermaster's data collection, and Watermaster's own plan for improving
11 data collection. GSWC complains that, prior to the date when Watermaster's Board adopted
12 both the annual report and the Technical Memorandum (which included Watermaster's plan for
13 enhanced data collection), GSWC had insufficient time to consider Watermaster's plan to
14 enhance data collection and Watermaster's response to GSWC's own recommendations.

15 **B. The compressed time schedule.**

16 Watermaster's draft annual report circulated in February 2026 was based upon data from the
17 2001-2020 base period. That earlier version of the annual report became obsolete after the Court
18 denied the competing motions for determination of based periods (including Watermaster's
19 motion to adopt the 2001-2020 base period) and directed Watermaster to utilize the 1931-1990
20 base period for determination of PSY values. That required Watermaster to figuratively "return
21 to the drawing boards" to calculate PSY values based upon water supply data from the 1931-

22
23 ² Regarding the modeling work being performed, CDFW "recommends" that other
24 stakeholders be engaged and consulted with while the modeling work is being performed, allow for
25 "at least a sixth month review period" for such stakeholders to review the modeling work, etc.
26 Watermaster has no control over and is not performing the modeling work. It is a private project
27 commissioned and funded by MWA, in its individual capacity. Moreover, CDFW's requests would
28 delay completion of the model significantly and, also, increase the costs of the modeling work
significantly. MWA will follow customary procedures for completing, calibrating, and peer and
public review of the model results. If MWA determines it would be helpful to consult with other
parties regarding the modeling work it will do so.

1 1990 base period.

2 Notwithstanding the compressed time schedule thereafter, on June 17, 2026, Watermaster
3 conducted a “Question and Answer” workshop to discuss Watermaster’s recommendations for
4 PSY and FPA values based upon the 1931-1990 base period and, on June 22, 2026, Watermaster
5 provided a copy of the Technical Memorandum (relating to Watermaster’s plan to enhance data
6 collection) to CSWC’s consultant, Toby Moore.

7 At the Watermaster Board’s June 24, 2026 meeting, GSWC’s representative requested
8 additional time to review and comment on the plan before Watermaster submitted the Technical
9 Memorandum to the Court. In accordance with the Court’s prior Orders, however, the deadline
10 for Watermaster to file and serve its motion for approval of the PSY and FPA recommendations,
11 its plan for enhancing data collection, and its response to GSWC’s data collection
12 recommendations was July 6, 2026.

13 Prior to filing the motion on July 6, 2026, Watermaster did not receive any additional comments
14 from GSWC regarding Watermaster’s own plan for enhancing data collection, or its response
15 to GSWC’s recommendations for data collection. In any event, prior to July 22, 2026 (when its
16 served its Opposition to Watermaster’s motion) GSWC had sufficient time to consider and
17 respond to Watermaster’s proposed plan for enhancing data collection, and Watermaster’s
18 response to GSWC’s plan for data collection.

19 In short, GSWC has not been prejudiced by any alleged procedural deficiency regarding the
20 timing or methods by which Watermaster provided to the Parties and later filed with the Court
21 Watermaster’s annual report, motion for approval of PSY and FPA values, and Watermaster’s
22 Technical Memorandum containing its plan for enhanced data collection and its response to
23 GSWC’s data collection plan.

24 **C. Watermaster complied with the Court’s October 23, 2024 Order.**

25 GSWC's Opposition attempts to recharacterize the Court's October 23, 2024 Order as a mandate that
26 Watermaster adopt Golden State's preferred technical approaches and analytical methodologies. The
27 Court imposed no such requirement.

28 The Court directed Watermaster to: (1) recommend a plan to improve the collection of hydrologic data

1 relevant to future PSY calculations; (2) provide a timeline to implement the recommended plan; and (3)
2 consider the recommendations contained in Section 6.0 of Anthony Brown's report. Watermaster did
3 exactly that. The Technical Memorandum submitted with the Thirty-Second Annual Report identifies
4 existing data collection efforts, additional monitoring initiatives currently underway, future
5 investigations that are planned, and Watermaster's consideration of each of the recommendations
6 contained in Section 6.0 of Anthony Brown's report. The Technical Memorandum further explains how
7 those efforts will continue to be implemented in future years.

8 GSWC's argument is therefore not that Watermaster failed to consider Mr. Brown's recommendations.
9 Rather, GSWC's complaint is that Watermaster did not accept and adopt every recommendation
10 proposed by GSWC's consultant. The Court's Order required consideration of those recommendations,
11 not their adoption. Watermaster exercised its professional engineering and scientific judgment in
12 evaluating each recommendation and determining which methodologies are appropriate for
13 implementation under the Judgment (Wagner Dec., Exhibit 1 hereto, 48:11-13).

14 **D. Watermaster already maintains a robust hydrologic data collection program.**

15 GSWC's Opposition asserts that Watermaster lacks sufficient hydrologic data. MWA and Watermaster's
16 records demonstrate otherwise.

17 Watermaster, through MWA, maintains an already extensive hydrologic monitoring program within the
18 Mojave Basin Area. As described in the Technical Memorandum, Watermaster has installed and is
19 monitoring multiple new streamflow gages, including stations at Daggett, Sheep Creek Wash, Arrastre
20 Canyon, and Kane Wash. Watermaster has also supported the reactivation of USGS gages near Hodge
21 and Cushenbury Canyon. Additionally, MWA maintains an extensive groundwater level monitoring
22 program throughout the Basin Area and operates a network of weather stations providing continuous
23 climatological data for hydrologic analyses; this data is available to all stakeholders through MWA's
24 website; and these efforts have generated substantial new information regarding streamflow, potential
25 additional recharge, precipitation, evapotranspiration, and groundwater conditions throughout the Basin
26 (Wagner Dec., Exhibit 1 hereto, 48:21-49:3).

27 GSWC has not identified any other party, other than itself, who contends Watermaster's data collection
28 efforts are inadequate. Nor does GSWC identify any decision of the Court concluding that

1 Watermaster's existing monitoring network fails to provide sufficient data for implementation of the
2 Judgment.

3 **E. Watermaster considered additional monitoring opportunities, including a new Streamflow**
4 **Gage at or near the Helendale Fault.**

5 GSWC repeatedly argues that Watermaster should improve measurement of flows between the
6 Transition Zone and the Centro Subarea near the Helendale Fault.

7 Watermaster has already considered those issues and has explained its methodology for evaluating flows
8 to Centro. Watermaster currently relies upon measured streamflow data, groundwater level monitoring,
9 precipitation data, pumping records, consumptive use estimates, and subsurface flow analyses to
10 quantify flows through the Transition Zone and into Centro (Wagner Dec., Exhibit 1 hereto, 49:13-15).
11 Watermaster explained in its Technical Memorandum why these datasets constitute the best available
12 information currently available for this purpose. In addition, Watermaster's methodology for evaluating
13 surface flows at Helendale Fault is consistent with the 1996 Amended Statement of Decision which
14 states that:

15 *The transition zone has a fairly stable water level. It is necessary to maintain that water level*
16 *so that the surface flows passing the Lower Narrows and the subsurface inflow into the*
17 *transition zone will reach the Helendale Fault, and hence downstream subareas; the flows at*
18 *the Helendale Fault will in the future be measured using monitoring wells to insure that water*
19 *levels are maintained within the transition zone. (excerpt from section F.2.)*

20 Nonetheless, Watermaster has reconsidered the possible installation of a new streamflow gage
21 at or near the Helendale Fault, and for the next fiscal year, Watermaster Engineer will propose to
22 Watermaster that Watermaster investigate the feasibility, cost, and potential benefits of funding and
23 installing a new gage near Helendale (Wagner Dec., Exhibit 1 hereto, 50:3-6).

24 **F. GSWC has not demonstrated that Watermaster's methodology is inadequate.**

25 In its opposition, GSWC argues that Watermaster should replace or supplement existing methodologies
26 with alternative approaches proposed by GSWC and its consultant(s). However, GSWC does not
27 establish that Watermaster's current methodology is inaccurate, unreliable, or inconsistent with the
28 Judgment.

1 As explained above, groundwater levels, measured streamflow, precipitation records, pumping
2 records, consumptive use estimates, and subsurface flow estimates (as provided in the Judgment)
3 provide a reliable basis for evaluating hydrologic conditions within the Basin and to formulate scientific
4 calculations of PSY. In Watermaster's Motion, Watermaster also explained that remote sensing and AI-
5 based modeling approaches remain subject to uncertainties and limitations and, while they may provide
6 different answers, they may not provide superior answers. Additionally, at GSWC's urging, during one
7 of Watermaster's public workshops, Watermaster listened to a presentation by a representative of
8 UpstreamTech but was not persuaded its modeling services would be useful (Wagner Dec., Exhibit 1
9 hereto, 50:19-21). AI-modeling approaches themselves need to be validated and calibrated with readily
10 available data such as measured groundwater levels, stream flow gages, precipitation, etc. Accordingly,
11 Watermaster has reasonably determined that its current methodology remains the best available
12 approach for implementing the Judgment while additional studies and tools continue to be evaluated
13 (Wagner Dec., Exhibit 1 hereto, 50:21-51:2).

14 Importantly, the Court did not order Watermaster to adopt GSWC's preferred methodology. It
15 required Watermaster to consider and evaluate available options. Watermaster complied with the
16 Court's Order and exercised its technical judgment when doing so.

17 **G. Conclusion**

18 For the foregoing reasons, GSWC's objections are without merit or immaterial, and the Court
19 should not Order Watermaster to redo its plan for enhanced data collection or to consider further
20 GSWC's data enhancement recommendations.

21 **IV.**

22 **Response from City of Victorville**

23 The Response from the Victorville Water District explains the bases for its conclusions
24 that, "Watermaster's assessment of and proposed Production Safe Yield and Free Production
25 Allowance recommendations to the Court for Water Year 2026-2027, specifically with regard
26 to the Alto Subarea and Centro Subarea, are technically sound and reasonable", and the Alto
27 Subarea is meeting its Subarea Obligation to the Transition Zone. VWD also supports
28 Watermaster and MWA efforts to develop and use management tools that augment the

1 Judgment, and concludes that Watermaster's plan for improving collection of hydrologic data
2 is technically sound and reasonable. VWD notes further that the Judgment is working as
3 intended.

4 Watermaster concurs with all of those conclusions of VWD.

5 **V.**

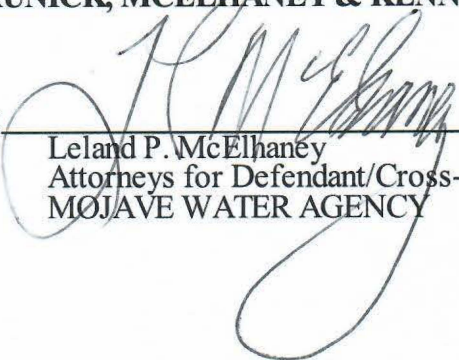
6 **Conclusion**

7 Watermaster has complied with the Court's direction to use the 1931-1990 based period,
8 with appropriate adjustments, to determine PSY values. Based thereon, Watermaster has
9 reported its recommendations for PSY and FPA values for all five subareas. The objections to
10 Watermaster's recommendations are without merit.

11 Additionally, several objecting parties have requested relief exceeding the scope of the
12 pending motion. Such requests should only be considered upon receipt of duly noticed motions
13 served on all Parties in accordance with the Court's law and motion rules and procedures.

14 Dated: August 5, 2026

BRUNICK, MCELHANEY & KENNEDY PLC

15
16 By: 

Leland P. McElhaney
Attorneys for Defendant/Cross-complainant,
MOJAVE WATER AGENCY

Pages 23 through 25
NOT USED

EXHIBIT 1

1 **DECLARATION OF ROBERT C. WAGNER**

2 I, Robert C. Wagner, declare as follows:

3 I am a licensed Civil Engineer in the State of California and President of the firm of
4 Wagner and Bonsignore, Consulting Civil Engineers in Sacramento, California. I serve in the
5 capacity of Engineer for the Mojave Basin Area Watermaster in performance of its duties. I have
6 personal knowledge of the matters set forth herein and, if called as a witness, I could and would
7 testify competently thereto.

8 **PART ONE**

9 **I. INTRODUCTION**

10 On July 22, 2026, Newberry Springs Recreational Lakes Association (NSRLA) filed its
11 Opposition to Watermaster's Motion to Adjust Free Production Allowance for Water Year 2026-
12 2027 (Watermaster's Motion), opposing Watermaster's request to adjust the Free Production
13 Allowance (FPA) for the upcoming water year. Concurrently, NSRLA submitted the Declaration
14 of Jeffrey Gaastra and the Declaration of W. Richard Laton in Support of NSRLA's Opposition
15 to Watermaster's Motion.

16 Application of the Judgment's mathematical formula using the Court-ordered 1931-1990
17 hydrologic base period yields an indicated Baja Subarea FPA of approximately 24.5% of BAP.
18 Nonetheless, after considering all factors required by the Judgment, including the protection of
19 public trust resources identified in Exhibit H and the continuing groundwater-level concerns at
20 the Camp Cady Area, Watermaster recommends that the Baja FPA remain at the current Court-
21 ordered level of 19.5% of BAP.

22 NSRLA's opposition incorrectly treats the mathematically indicated FPA as mandatory
23 and assumes the Judgment requires that Watermaster and the Court ignore all other considerations.

1 NSRLA overlooks the fact that Exhibit H expressly requires consideration of groundwater
2 conditions affecting protected riparian habitat and public trust resources in the subarea in which
3 FPA is to be determined.

4 **II. WATERMASTER DOES NOT SEEK TO REDUCE THE BAJA FPA**

5 NSRLA repeatedly characterizes Watermaster's FPA recommendation as a reduction.
6 That characterization is incorrect. The current FPA for Baja of 19.5% of BAP is the value set by
7 the Court when considering the 2001-2020 base period, and Watermaster is not recommending a
8 decrease in that FPA value. Nor is Watermaster recommending “an artificial reduction in pumping
9 in Baja,” as NSRLA suggests. As noted, the current Baja FPA is 19.5%. Watermaster
10 recommends the Baja FPA remain unchanged at 19.5% for Water Year 2026-2027.

11 Importantly, pumping in the Baja Subarea already is less than Baja’s FPA value of 19.5%.
12 If Baja Producers need to, they can pump more than their FPA and purchase Replacement Water
13 or pursue transfers pursuant to the terms of the Judgment. Thus, the question is not whether Baja
14 should be subjected to a new reduction in FPA, but whether there should be an increase in FPA
15 from 19.5% to 24.5% (as argued by NSRLA), despite CDFW’s continuing concerns regarding
16 the conditions at Camp Cady.

17 **III. EXHIBIT H REQUIRES CONSIDERATION OF PUBLIC TRUST** 18 **RESOURCES**

19 NSRLA attempts to minimize the significance of other provisions of Exhibit H by arguing
20 that the Biological Resources Trust Fund provides the exclusive remedy for impacts to riparian
21 habitat. That argument ignores important provisions of Exhibit H which require that Watermaster
22 and the Court give “consideration” to the protection of public trust resources in a subarea when
23 considering whether to adjust FPA in that subarea.

1 Even the statement attributed to Watermaster counsel at the June 24, 2026 Watermaster
2 Board meeting recognized that public trust resources must be “considered” when determining
3 FPA recommendations. Counsel’s statement highlights that such considerations are not the sole
4 factor in determining FPA.

5 Watermaster properly “considered” the evidence presented by the California Department
6 of Fish and Wildlife regarding continuing groundwater decline and riparian habitat stress at Camp
7 Cady and, based thereon, determined that maintaining the current FPA is appropriate. That
8 recommendation is consistent with Exhibit H and the Court's prior rulings.

9 **IV. THE JUDGMENT TREATS BAJA AS A SINGLE SUBAREA**

10 Dr. Laton’s Declaration (in support of NSRLA’s Opposition) suggests that Baja should
11 be analyzed as two separate groundwater systems divided by the Calico Fault. Dr. Laton argues
12 that pumping west of the fault has little effect on conditions at Camp Cady east of the fault.

13 The problem with this argument is that the Judgment does not divide the Baja Subarea
14 into separate adjudicated management areas. The Judgment treats Baja as a single Subarea. Base
15 Annual Production, Production Safe Yield, and Free Production Allowance are all to be
16 established and managed for the entire Subarea.

17 If NSRLA believes the Judgment should be modified to create separate management
18 zones within Baja, that relief would require a motion to amend the Judgment. It cannot be
19 accomplished indirectly through an annual FPA proceeding.

20 **V. THE CONDITIONS AT CAMP CADY ARE THE RESULT OF DECADES OF** 21 **HISTORICAL OVERDRAFT IN BAJA**

22 Groundwater levels at Camp Cady remain significantly below desired conditions.
23 Watermaster's recommendation reflects a precautionary approach intended to avoid allowing

1 additional pumping free of replacement water assessment immediately upstream of the riparian
2 habitat area. The Court set the FPA for Baja at 19.5% of BAP and Watermaster concludes that if
3 FPA is increased in Baja, a possible result could be more pumping immediately upstream of Camp
4 Cady, resulting in more reduced groundwater at Camp Cady.

5 Moreover, Baja has experienced at least 80 years of overdraft before recent reductions in
6 pumping. A hydrograph showing historical water production in the Baja Subarea from 1931 to
7 2025 is included in Exhibit 2 hereto, pp. 52-53. The negative conditions observed today at Camp
8 Cady are the cumulative result of long-term historical overdraft.

9 VI. NSRLA'S "UPSTREAM RESPONSIBILITY" ARGUMENT

10 NSRLA argues that increasing FPA and PSY in Alto and Centro, while maintaining the
11 Baja FPA, is inappropriate because additional upstream pumping will contribute to reduced flows
12 reaching Camp Cady. However, the Judgment regulates each Subarea separately and allocates
13 responsibilities accordingly. As reflected in Paragraph 22 of the Judgment, adverse impacts
14 associated with rampdown provisions are borne by the applicable Subarea:

15 *... the reasonableness of any physical solution as applied to each Producer depends in*
16 *part upon such Producer's foreseeable needs and the present and future availability of*
17 *water within the Subarea in which each Producer is located. ... Any adverse impact to*
18 *any Subarea caused by the implementation of the provisions shall be the responsibility of*
19 *the Producers in each **such** Subarea.* (emphasis added)

20 The Judgment does not impose any obligation on Alto producers to maintain additional water
21 supplies for Baja producers. In fact, under the Judgment the Alto producers have no Subarea
22 Obligation to the Baja Subarea.

1 The FPA recommendation for Alto is based upon conditions and calculations applicable
2 to Alto. The FPA recommendation for Baja is based upon conditions applicable to Baja, including
3 Exhibit H considerations. The fact that different Subareas receive different FPA
4 recommendations does not establish arbitrariness or that Watermaster's recommendations are
5 based upon "political" considerations. Different FPA recommendations for different subareas
6 merely reflect the Judgment's requirement that each Subarea be evaluated separately (Judgment,
7 paragraph 22).

8 Moreover, Watermaster's recommendation for higher FPA in the Alto and Centro
9 Subareas does not mean more pumping will necessarily occur in Alto and Centro. Hydrographs
10 showing historical water production in the Alto Subarea (including the Transition Zone) and the
11 Centro Subarea from 1931 to 2025 are included in Exhibits 3 and 4 hereto, pp. 54-57. They show
12 a significant drop in total groundwater pumping in both Alto and Centro. Water production has
13 decreased from about 122,797 acre-feet in 1990, to 76,329 acre-feet in 2025 (about 38%
14 reduction) in Alto, and from about 38,336 acre-feet in 1990, to 15,884 acre-feet in 2025 (about
15 59% reduction) in Centro. NSRLA's position that upstream pumping is the cause of overdraft
16 conditions in Baja ignores the fact that (a) Alto and Centro producers have significantly reduced
17 pumping (about 47,000 acre feet per year in Alto, and about 22,000 acre-feet per year in Centro),
18 and (b) Alto and Centro are meeting the Judgment's Subarea Obligations.

19 **VII. NSRLA MISINTERPRETS THE USGS REPORT ON UPSTREAM** 20 **PUMPING**

21 Dr. Laton's declaration quotes the USGS report by Stamos et al. (2001) regarding the
22 influence of pumping in the Upper Mojave Watershed on surface flows in Baja, as follows:
23 *"overall, pumping in the lower region does not negatively affect the upper region; however,*

1 *pumping in the upper region negatively affects the lower region by decreasing recharge from the*
2 *Mojave River”* (Stamos et al., 2001).

3 The foregoing statement is based upon a hypothetical assumption as to what the result
4 would be if there was absolutely no pumping in the upper region (Alto, Transition Zone, Este,
5 and Oeste) and 60 years of over pumping in the lower region (Centro, Harper Lake, Baja, Coyote
6 Lake, and Afton Canyon); in that extreme hypothetical scenario, the result would be more
7 recharge available to the lower region. That hypothetical simulation resulted in about 3,230 acre-
8 feet per year less storage depletion in Baja when compared to the base case (i.e., when pumping
9 occurred in all model subareas). The base case scenario showed that storage depletion in the Baja
10 model subarea is about 14,490 acre-feet per year (Stamos et al., 2001).

11 Therefore, the “Lower Region Pumping Only” simulation demonstrated that even if there
12 was zero pumping in the upper region, there would still be significant overdraft in Baja (about
13 11,260 acre-feet per year). Thus, the decades-long overdraft in Baja is due to Baja over pumping,
14 which is the cause of water level decline and corresponding habitat loss.

15 Importantly, the USGS report did not find that pumping in the upper region was
16 responsible for overdraft in the lower region. The purpose of the USGS pumping simulations was
17 to evaluate effects on groundwater and surface water relations, not to determine that upstream
18 pumping was the cause of overdraft in the lower basin.

19 Dr. Laton ignores the cumulative loss of storage in Baja, estimated by USGS to have been
20 1.1 million acre-feet as of 1999 (USGS Fact Sheet, fig.4., Stamos, 2001), and as estimated by
21 Watermaster an additional loss of storage since 1999 of about 450,000 acre-feet to Water Year
22 2024-25, which are more likely than not true.

1 According to the USGS Fact Sheet (Stamos 2001), overdraft began in the Centro and Baja
2 Subareas by the early 1950's and in all subareas by the 1960's. Further, water levels have fallen
3 "almost 100 feet in the Baja subarea south of the river since the early 1930s". The consequence
4 of loss in storage in Baja is falling water levels since the 1930s (until recently) which resulted in
5 decreased subsurface flow within Baja, across the Calico Fault, and further downstream,
6 impacting Camp Cady. Upstream of the Calico Fault, the hydrographs with a "Very long-term
7 record" (wells 09N01E15H01, 14M01, and 13E02 Composite, wells 09N02E20Q01, K01, and
8 G03 Composite and wells 09N02E14N02 and W02 Composite) show water level decline up to
9 100 feet since 1931 to present.

10 **VIII. NSRLA STATES THAT THE UPSTREAM DAMS REDUCE PEAK FLOWS**
11 **THAT RECHARGE CAMP CADY**

12 NSRLA states that the Silverwood Lake/Cedar Springs Dam and the Mojave River Dam
13 (Forks Dam) (constructed and in operation in 1971 and 1974, respectively, and located upstream
14 of the Mojave Basin Area) attenuate storm peak flows and, thus, reduce the average daily flows
15 measured at the Lower Narrows and Barstow gages; and that peak flows of high magnitude and
16 short duration are necessary to reach Baja and recharge Camp Cady.

17 The Forks Dam operates and flows as an open channel until the inflow reaches 7,300 cfs.
18 This is the normal, non-flood control operating condition of the dam and reservoir. The flood
19 control aspect of the Forks Dam delays the peak flows, but it does not reduce the volume of flow
20 downstream; therefore, it does not interrupt or reduce the flow to Centro or Baja. The only
21 attenuation happens above the 7,300 cfs flow. Moreover, the dams have been in operation since
22 the 1970s, and they are part of the baseline hydrology under the Judgment.

1 Cedar Springs Dam (Lake Silverwood, 1971), located at the headwaters of the Mojave
2 River Watershed is operated by the California Department of Water Resources as part of the State
3 Water Project (SWP). The lake temporarily stores imported water from the SWP. Local inflow
4 to Lake Silverwood is monitored and measured by DWR and released to the Mojave River system
5 upstream of the USGS Mojave River West Fork stream gage. Notably, the West Fork of the
6 Mojave River flows into the flood control facility, Mojave River Forks Reservoir (1971)
7 controlled by the US Army Corps of Engineers (ACOE). Thus, releases from Lake Silverwood,
8 flow into the Mojave River system and then flow through the flood control structure at the Forks
9 Dam.

10 There are three critical considerations related to Dr. Laton's claim that the "dams" have
11 altered the flow regime in the Mojave River, and impacted downstream water supply, leading to
12 reduced recharge in Baja Subarea and thus falling water levels. 1) Neither the Mojave Water
13 Agency, nor Mojave Basin Area Watermaster control the operations of either facility. 2) Most
14 significantly, the Mojave River Forks Reservoir is ungated, meaning the outlet has no closure and
15 is always open. The reservoir operation regulates only very high flow and only for a short time
16 for flood control protection of the downstream developed area and populations. 3) The dams were
17 constructed and operational 25 years prior to entry of the Judgment and any effect that they may
18 have on downstream flow is part of the baseline hydrology that existed before and since entry of
19 Judgment. There has been no meaningful change in operations for either facility of which we are
20 aware. It is important to emphasize that neither Watermaster nor MWA own or operate either of
21 these dams.

22 The documents listed below all report the same findings, paraphrased that while there
23 may be some attenuation by the dams, the impact on volume of flow downstream is minimal.

1 Buong and Lang (1980) reported that "...recharge downstream from Barstow during the floods
2 of 1978, after construction of the dam, increased as a percentage of flow at Barstow compared to
3 the 1969 flood, prior to construction of the dam" (Aquifer Recharge from the 1969 and 1978
4 Floods in the Mojave River Basin, California", USGS, 1980 (Buono and Lang)).

5 USGS (Hardt and Durbin, 1974) prepared a mathematical model to evaluate the effects of
6 flood control on recharge on the Mojave River and concluded that the flood control dam would
7 have minimal impact on downstream flood volumes. Hardt and Durbin concluded that the "dam
8 has little effect on the total volume of stream flow at Barstow." (page 29 of their report). They
9 also concluded that the dam would attenuate very high peaks, delaying the arrival of the peak
10 downstream by only about one day. (Hydrologic Analysis of the Mojave River, California, Using
11 a Mathematical Model, USGS, 1974 (Durbin and Hardt)).

12 Lines (1996) reported, "It has been suggested that the regulation of streamflow in the
13 headwaters by Silverwood Lake and Mojave River Forks Reservoir has markedly changed
14 streamflow characteristics along the main stem of the Mojave River. Although both reservoirs
15 undoubtedly have attenuated flood peaks, neither has had an effect on volumes of runoff entering
16 the main stem". (Ground-Water and Surface-Water Relations along the Mojave River, Southern
17 California, USGS, 1996 (Lines)).

18 Exhibit 5 of Laton's declaration includes his previous declaration dated September 2019
19 indicating that the dams have an impact to downstream recharge in Baja and references Todd
20 2013 report and Wagner & Bonsignore 2010 report. However, Laton's declarations ignore the
21 conclusions from these previous studies, which are provided below.

22 The 2013 Todd Engineers report concludes that neither Cedar Springs Dam nor Mojave
23 River Dam appears to have reduced the volume of water reaching downstream portions of the

1 Mojave River Basin. Although the dams may temporarily attenuate flood flows during large storm
2 events, their overall effect on downstream recharge is likely minor. The report further finds that
3 increasing streamflow losses in the upper reaches of the basin began prior to construction of the
4 dams and that groundwater level declines caused by increased groundwater production and
5 prolonged dry conditions since the late 1940s are likely far more significant factors affecting
6 downstream flows and recharge than dam operations. (Todd 2013, Appendix B, pages B28-B29)

7 **PART TWO**

8 **I. INTRODUCTION**

9 On July 22, 2026, the California Department of Fish and Wildlife (CDFW) filed its
10 Response to Watermaster's Motion to Adjust Free Production Allowance for Water Year 2026-
11 2027 (Watermaster's Motion), opposing Watermaster's request to adjust the Free Production
12 Allowance (FPA) for the upcoming water year. Concurrently, CDFW submitted the Declaration
13 of James Blanke and the Declaration of Aaron Johnson in Support of California Department of
14 Fish and Wildlife's Response to Watermaster's Motion, both of which provide technical opinions
15 and analysis supporting CDFW's opposition.

16 CDFW supports Watermaster's recommendation to maintain the FPA in Baja Subarea at
17 19.5% of BAP for Water Year 2026-2027 and to reduce the FPA in Centro Subarea to 55.8% of
18 BAP. However, CDFW opposes Watermaster's recommendation to increase the FPA in Alto
19 Subarea to 54.5% of BAP and the FPA for Oeste to 51.9% of BAP. CDFW contends that
20 Watermaster's proposed increases in PSY and corresponding FPA adjustments are not supported
21 by current hydrologic conditions, ignores the ongoing groundwater level declines at Exhibit H
22 wells and public trust resource concerns, and rely primarily on information derived from the
23 United States Geological Survey's groundwater model developed by Stamos et al. (2001). CDFW

1 further argues that Watermaster should place greater emphasis on groundwater conditions,
2 including groundwater levels at Exhibit H compliance wells, contends that Watermaster's
3 analysis assumes no storage loss in Este and Oeste Subareas without sufficient justification, and
4 proposes that changes in PSY or FPA be deferred until completion and independent review of the
5 Regional Mojave Basin Model ("RMBM").

6 CDFW's opposition, however, is based largely on a misunderstanding of the purpose of
7 Watermaster's PSY evaluation and requirements of the Judgment. Watermaster's
8 recommendations were developed in response to the Court's direction to evaluate PSY using the
9 1931-1990 hydrologic base period and were based on the best available scientific information
10 applicable to that period and for the entire Basin Area. While CDFW and Mr. Blanke disagree
11 with certain aspects of Watermaster's analysis and recommendations, neither demonstrates that
12 Watermaster's calculations are inconsistent with applicable provisions of the Judgment or that
13 the proposed FPA adjustments fail to account for relevant hydrologic and public trust resources
14 considerations. As discussed below, Watermaster's analysis is technically accurate, consistent
15 with the Court's direction and implementation of the Judgment, and properly takes into
16 consideration the protection of public trust resources. For these reasons, CDFW's opposition and
17 the declarations of Aaron Johnson and James Blanke do not provide a basis for rejecting
18 Watermaster's recommendations.

19 **II. CDFW Misinterprets Changes in Methodology with Changes in Water** 20 **Availability**

21 CDFW and James Blanke largely contend that the increases in PSY for Alto, Centro, and
22 Baja are attributable to Watermaster's use of the USGS groundwater model by Stamos et al.
23

1 (2001), rather than any actual increase in water availability. This criticism, however, ignores the
2 purpose of Watermaster's analysis.

3 The Court directed Watermaster to re-evaluate PSY using the 1931-1990 hydrologic base
4 period. Watermaster complied with that directive and utilized the most comprehensive, technical
5 information available for that base period. The use of the USGS model does not increase the
6 amount of water available within the Basin Area. Instead, it provides a more complete and
7 consistent estimate of the historical amount of flows between and within the Subareas during the
8 1931-1990 Court-ordered base period.

9 The USGS model was used for several reasons. First, it covers the entire hydrologic base
10 period 1931-1990. The USGS model was published in 2001, five years after entry of the Judgment
11 (1996), and after the Supreme Court's decision and, therefore, is more recent than the estimates
12 provided on Table C-1 of the Judgment and subsequently in 2000 by Webb. Second, the USGS
13 model includes all subareas. Third, several parties have supported using a model for PSY re-
14 determination. Therefore, Watermaster's current calculations utilize the data from the most recent
15 model developed, covered all subareas, and fully captured the 1931-1990 hydrologic base period.

16 CDFW characterizes the use of the USGS model as a change in methodology. This
17 characterization is incomplete. The methodology used by Watermaster evaluates the elements of
18 water supply use and disposal as indicated on Table C-1 of Judgment. Some of the estimates of
19 these elements, made by others, and agreed to by the Parties, have been updated by incorporating
20 the output from the USGS model by Stamos (Este and Oeste are evaluated based on water level
21 changes).

22 Further, the Judgment does not require Watermaster to rely indefinitely on older estimates
23 when more comprehensive information exists. The USGS model remains the most detailed

1 hydrologic model available that covers the entire 1931-1990 base period and all subareas of the
2 Basin Area. Furthermore, the USGS model has been publicly available for over two decades and
3 has been extensively reviewed and cited by numerous Mojave Basin investigations. CDFW itself
4 acknowledges that the USGS model “is a reasonable technical reference”. However, CDFW
5 questions why Watermaster is using it now. The answer is straightforward: because the Court
6 directed Watermaster to return to the 1931-1990 base period, and the USGS model provides the
7 most complete estimates for that period.

8 CDFW notes that in Watermaster’s Water Year 2021-2022 Annual Report, the surface
9 water inflow to Alto of 68,500 acre-feet was based on the average gaged flow of the Mojave River
10 at The Forks during the 1931-1990 base period and includes 3,000 acre-feet of ungaged inflow.
11 CDFW argues that for Water Year 2026-27, Watermaster’s calculation increases the surface water
12 inflow to Alto to be 73,301 acre-feet, with an additional 2,280 acre-feet of Tributary Inflow to
13 Alto from the USGS model, for a combined total of 75,581 acre-feet, despite using the same
14 hydrologic base period of 1931-1990. CDFW complains that the increase in surface water is over
15 7,000 acre-feet due to the use of the USGS model rather than a change in the hydrogeologic
16 conditions in the Basin.

17 In response to CDFW’s comments, Watermaster first clarifies that the PSY calculation
18 for Alto using the 1931-1990 hydrologic base period does not change the water supply to the
19 Basin Area; rather, it changes the manner in which Watermaster recommends the water supply
20 be managed.

21 The estimates of subsurface flow, mountain front recharge, deep percolation of
22 precipitation, ungaged inflow, are only estimates made by various researchers over time (and
23 were agreed to by the Parties). These elements of supply are very difficult to quantify. The use

1 of the output from the USGS model for these elements is considered more reliable because they
2 are related (by the model) to all other elements as part of model calibration. These elements of
3 supply will be updated by the RMBM, but as of this time, they are considered the best scientific
4 estimates available. The re-calculated PSY values result primarily from a more complete
5 representation of historical recharge, subsurface flows among Subareas, and ungaged tributary
6 inflows, not from a conclusion that present-day conditions are wetter than in prior years. The PSY
7 values are based on the historical data.

8 Importantly, the Water Year 2021-2022 Annual Report indicated a PSY for the Alto
9 Subarea of 64,406 acre-feet, which is about 1.5% higher than the current recommended PSY of
10 63,442 acre-feet.

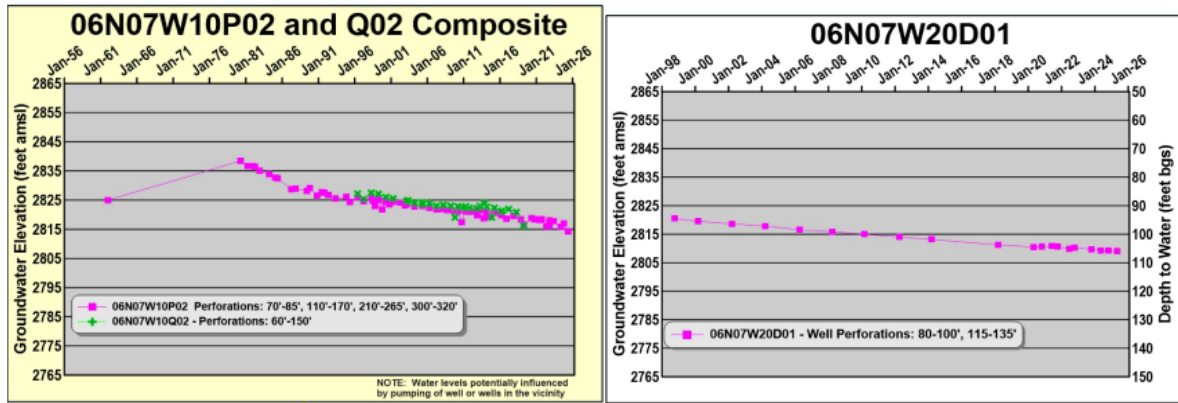
11 **III. Watermaster's Reliance on Groundwater Levels**

12 CDFW questions the reliance on water level interpretations to recommend an increase in
13 FPA for Oeste of 6.9 percentage points to 51.9% of BAP, and a decrease in FPA for Este by 5
14 percentage points to 40% of BAP. CDFW states, “many wells within Este and Oeste show
15 declining trends in groundwater levels,” and CDFW questions Watermaster’s evidence showing
16 stability in water levels for Este and Oeste. As demonstrated below, CDFW’s claims are not
17 supported by the available data.

18 Watermaster’s technical memorandum “Production Safe Yield Update and
19 Recommendation for Free Production Allowance for Water Year 2026-27” provides detailed
20 analysis of the behavior of water level trends in the Este and Oeste Subareas, and is more likely
21 than not true.

22 In Oeste, only two wells out of 18 (not “many wells” as CDFW suggests) show a
23 continuous decline in the water levels: composite wells 06N07W10P02 and Q02 (noted to be

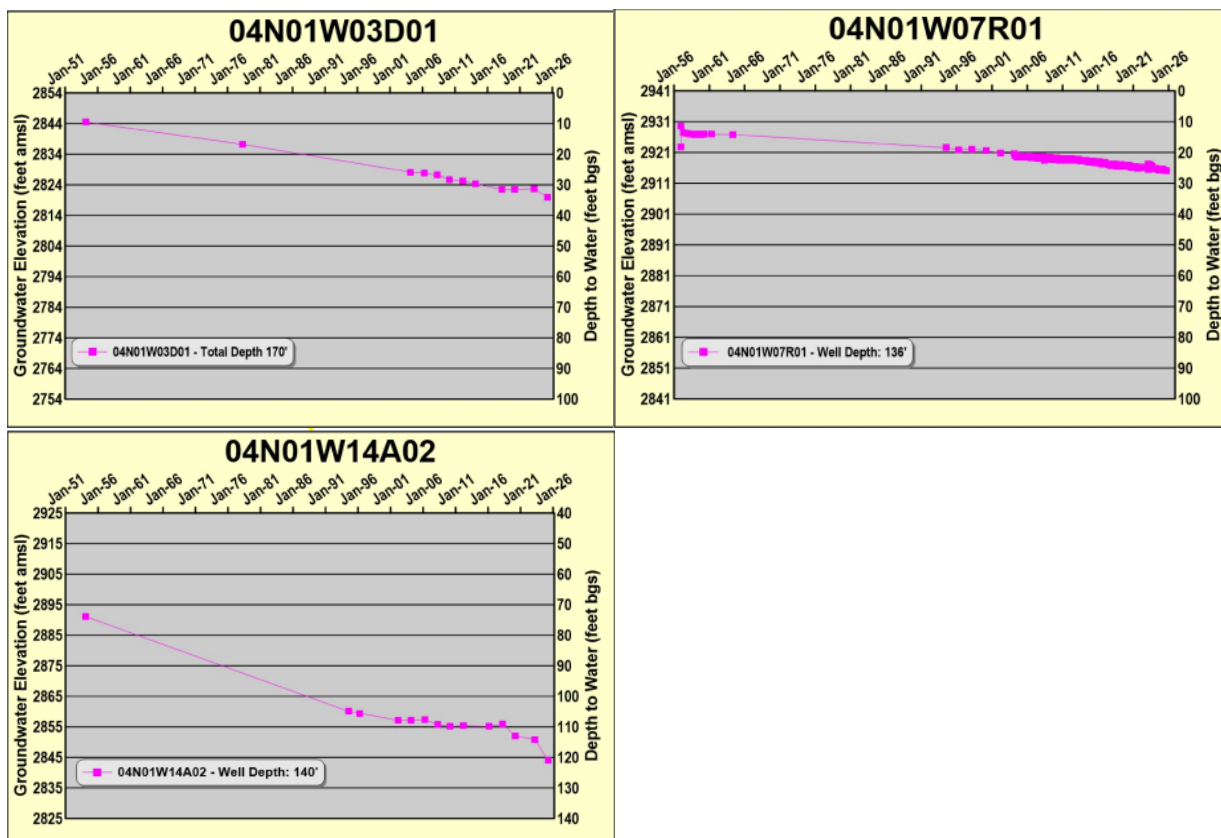
potentially influenced by pumping), and well 06N07W20D01. The hydrographs below show the continuous decline in groundwater levels in those two wells.



The wells located near Phelan show more variability in their water levels. However, most of these wells are noted to be “potentially influenced by pumping of well or wells in the vicinity”. If we account for only the wells not potentially influenced by nearby pumping, water levels have been stable and generally show some recovery, and these findings are more likely than not true. Some wells have recovered by approximately 30 to 70 feet (06N07W26C01 and 06N07W23C03). Further, while influenced by pumping, Phelan Piñon Hills Community Services District (PPHCSD) has not reported water quality, well performance, or long-term declining water problems as would be expected with continued overdraft and negative impacts to groundwater resources. PPHCSD also has reported that its wells react (increase) many months after storm events which indicate delayed recharge. Accounting for all these factors, the reliance upon pumping data over a finite time period, which corresponds to observed water level stability, is an acceptable methodology to calculate PSY; it also is consistent with the calculation envisioned by Table C-1 of the Judgment ($PSY = \text{Pumping} + \text{Change in Storage}$). For Oeste, the indicated FPA is also the result of dividing the indicated PSY of 3,685 acre-feet by the Base Annual Production

of 7,095 acre-feet. The recommended FPA value for Oeste is 51.9%, which is an increase of 6.9 percentage points relative to the current FPA of 45%.

In Este, some wells show declining water levels over time (see figure below); however, these are exceptions (only 3 out of 32 wells). Overall, most wells show relatively stable or rising water levels over time. Nevertheless, because the FPA exceeds the indicated PSY by more than 5%, a 5-percent decrease of FPA is recommended.



IV. Interpretation of the groundwater levels is appropriate to evaluate changes in groundwater storage

CDFW claims Watermaster's interpretation of groundwater level as a proxy for changes in groundwater storage is inappropriate and not a valid substitute for water budget calculations.

CDFW states that groundwater levels do not quantify all elements of the water budget for a subarea, including surface water inflow, subsurface flows, recharge, consumptive use and outflows. CDFW also states that internal consistency is lost when ignoring the water-budget calculations in Este and Oeste Subareas.

As noted above, the Judgment's Production Safe Yield definition states that $PSY = \text{Pumping} + \text{Change in storage}$. Accordingly, because water levels are relatively stable in the Este, Oeste and Baja Subareas, the change in groundwater storage accounts for all elements of the water budget, i.e., because water levels are relatively stable, total inflow = total consumptive use and outflow.

The guidance provided by DWR in its Groundwater Water Budget Best Management Practices (BMP) supports Watermaster's approach of basing the change in storage for those subareas on the observed changes in groundwater levels. This is particularly true in light of the uncertainty in the estimates of water supply to Este, Oeste and Baja.

This conclusion does not change or affect the relationship between one subarea and another. In the case of the upper basin area, which includes Fifteen Mile Valley in Este, Oeste and Alto, the "boundary" between the subarea is merely a surface expression and not a geologic boundary or a flow restriction boundary. These sections are several miles wide, and hundreds to thousands of feet deep. The subsurface movement of water across the surface expression is governed entirely by the groundwater gradient over a long period of time as the other properties, physical and hydrogeologic (cross sectional area of flow, saturated thickness, hydraulic conductivity) remain relatively constant over time. Various analyses suggest that the gradient in these areas is little changed over time (CSUF; Napoli and Laton, 2005; Todd Engineers, 2013; Webb, 2000).

1 Relevant hydrographs are available for inspection and the water levels presented thereon
2 clearly indicate water levels have stabilized or are increasing (Watermaster's 32nd Annual Report,
3 Figures 3-14, 3-16 and 3-17). This is more likely than not true. Consequently, for Este and Oeste,
4 and Baja, insufficient water supply data exists for the preparation of reliable water budgets that
5 could match or improve the accuracy of determinations based upon 30 years of water level
6 observations since at least 1996 in Este and 2010 in Oeste. As mentioned above, Watermaster's
7 reliance upon observed groundwater levels is fully in accord with DWR's guidance from the 2016
8 Groundwater Water Budget Best Management Practices (BMP) which states that:

9 *The change in groundwater in storage is the total change in storage between seasonal*
10 *high conditions, which typically occurs in the spring. It is recommended that the change*
11 *in storage estimates be based on observed changes in groundwater levels within the basin.*

12 *However, change in groundwater storage may also be calculated as the difference*
13 *between annual inflows and outflows according to the water budget equation in Section*
14 *3, where all inflows and outflows can be reliably measured or estimated.*

15 Following DWR's recommendations and the explanations above, Watermaster continues
16 to rely on measured groundwater levels to evaluate the changes in storage for the Este, Oeste and
17 Baja Subareas.

18 **V. Public Trust Resources were Considered by Watermaster**

19 CDFW argues that Watermaster failed to consider public trust resources when
20 recommending changes to the FPA. CDFW recommends a comparison of measured groundwater
21 levels at the compliance wells in Table H-2 of Exhibit H. CDFW indicates that the hydrographs
22 for the wells H3-1, H3-2, H2-1 show a continuous decline in groundwater levels below the depths
23 identified in the Judgment. CDFW also notes that water levels at H1-1 are not being met and at

1 H1-2 are barely above the compliance depth. Therefore, the protection of public trust resources
2 in all subareas must be “considered” and those water levels indicate that the Alto FPA should not
3 be increased but rather maintained or reduced.

4 In recommending Baja FPA of 19.5% remain unchanged, Exhibit H was considered by
5 Watermaster, as well as habitat conditions at Camp Cady.

6 Rampdown under the provisions of the Judgment can only do so much. Other remedies
7 for preventing further groundwater decline and additional damage to riparian habitat include the
8 purchase and strategic placement or use of Supplemental Water, or the purchase of BAP upstream
9 of Camp Cady. That may be accomplished through prudent use of funds available in the
10 Biological Resources Trust Fund. It may be noteworthy that in 2026, CDFW obtained
11 authorization to have Watermaster release \$288,976 from the Biological Resources Trust Fund,
12 none of which was earmarked for purchase of Supplemental Water or Base Annual Production
13 Rights (as allowed in Exhibit H). (See Exhibit 5 hereto).

14 **VI. CDFW claims that reduction in the Mojave River flows reaching Baja is due to**
15 **pumping in Alto and Centro.**

16 Mr. Blanke’s declaration states that pumping in the Alto and Centro Subareas reduce the
17 Mojave River flows entering Baja Subareas, thus reducing the recharge to Baja and is responsible
18 for the long-term decline in groundwater levels within Baja; and, therefore, the conditions in the
19 Baja Subarea do not support an increase of FPA in Alto.

20 In response thereto, the Judgment does not require a reduction in FPA for Alto or Centro
21 for the benefit of Baja or Camp Cady. Further, pumping in both Alto and Centro has declined
22 since 1990. Pumping has declined by 40% in Alto and 57% in Centro since 1991, after the initial
23 base period. Alto and Centro subareas are meeting their obligations under the Judgment. Further,

1 Watermaster's recommendation is for FPA in Centro to be reduced. The purpose of the Judgment
2 is to eliminate or reduce *additional* overdraft in each Subarea, not to restore groundwater levels.
3 CDFW's argument relates more to historical overdraft in Baja experienced in the past, which was
4 estimated by USGS model to be cumulative of 1.1 million acre-feet from 1931 to 1999.

5 The Judgment already contains mechanisms specifically designed to address downstream
6 impacts, including Subarea Obligations, the Biological Resources Trust Fund, and injunction
7 against diverting storm flows, etc. Watermaster's recommendations were developed within that
8 framework.

9 **VII. Whether Watermaster should wait until the Regional Mojave Basin Model is**
10 **completed to consider changes in PSY or FPA**

11 CDFW recommends postponing making changes to PSY or FPA until completion of the
12 RMBM. Nothing in the Judgment requires Watermaster to delay PSY or FPA evaluations pending
13 development of a new model, or to use a model at all.

14 When the Mojave Water Agency completes the RMBM, it will be peer reviewed and, as
15 appropriate, used by Watermaster to inform management decisions for PSY and FPA. Until that
16 time, and until a new hydrologic base period is approved, the use of output from the USGS model
17 developed by Stamos (2001) is appropriate and will continue, unless the Court orders otherwise.

18 With regard to CDFW's recommendations for the RMBM, we have the following
19 comments: 1) We agree that transparency and coordination are important and consequently,
20 MWA will engage an independent peer review (a common approach for reviewing groundwater
21 models) and at that time will provide data and information and a report for review by the parties.
22 2) The parties will have time for review and input consistent with both the peer review process
23 and input after the peer review process is complete. 3) The RMBM is currently being developed

1 with the best available data, including detailed cross sections, geophysical investigations, and any
2 historic data of pumping and water levels and any other relevant datasets. USGS stream flow
3 records will be used as appropriate for model calibration including the gage at Barstow. 4) While
4 it is unclear what the CDFW is asking the model be used for in this recommendation, the RMBM,
5 like any groundwater model, will necessarily estimate streamflow "leakage" as either transfer of
6 water from the stream to the groundwater body, or groundwater discharge to the stream from the
7 groundwater body. 5) Recommendation #5 relates to selection of a base period and not to
8 development of the RMBM. However, the RMBM can be used to identify periods of water level
9 instability to determine "deficits" or water level stability to determine conditions under which a
10 subarea will remain in balance.

11 **PART THREE**

12 **I. INTRODUCTION**

13 On July 22, 2026, Golden State Water Company (GSWC) filed its Opposition to
14 Watermaster's 32nd Annual Report and Watermaster's Motion for Approval of PSY and FPA
15 recommendations for the upcoming water year. Concurrently, GSWC submitted the Declaration
16 of Toby B. Moore and Mackenzie W. Carlson, in support of GSWC's Opposition.

17 **II. WATERMASTER HAS COMPLIED WITH THE COURT'S OCTOBER 23,** 18 **2024 ORDER**

19 GSWC's Opposition attempts to recharacterize the Court's October 23, 2024 Order as a
20 mandate that Watermaster adopt Golden State's preferred technical approaches and analytical
21 methodologies. The Court imposed no such requirement.

22 The Court directed Watermaster to: (1) recommend a plan to improve the collection of
23 hydrologic data relevant to future PSY calculations; (2) provide a timeline to implement the

recommended plan; and (3) consider the recommendations contained in Section 6.0 of Anthony Brown's report. Watermaster did exactly that. The Technical Memorandum submitted with the Thirty-Second Annual Report identifies existing data collection efforts, additional monitoring initiatives currently underway, future investigations that are planned, and Watermaster's consideration of each of the recommendations contained in Section 6.0 of Anthony Brown's report. The Technical Memorandum further explains how those efforts will continue to be implemented in future years.

GSWC's argument is therefore not that Watermaster failed to consider Mr. Brown's recommendations. Rather, GSWC's complaint is that Watermaster did not accept and adopt every recommendation proposed by GSWC's consultant. The Court's Order required consideration of those recommendations, not their adoption. Watermaster exercised its professional engineering and scientific judgment in evaluating each recommendation and determining which methodologies were appropriate for implementation under the Judgment.

III. Watermaster Already Maintains a Robust Hydrologic Data Collection Program

GSWC's Opposition asserts that Watermaster lacks sufficient hydrologic data. MWA and Watermaster's records demonstrate otherwise.

Watermaster, through MWA, maintains an already extensive hydrologic monitoring program within the Mojave Basin Area. As described in the Technical Memorandum, Watermaster has installed and is monitoring multiple new streamflow gages, including stations at Daggett, Sheep Creek Wash, Arrastre Canyon, and Kane Wash. Watermaster has also supported the reactivation of USGS gages near Hodge and Cushenbury Canyon. Additionally, MWA maintains an extensive groundwater level monitoring program throughout the Basin Area and operates a network of weather stations providing continuous climatological data for hydrologic

1 analyses. This data is available to all stakeholders through MWA's website. These efforts have
2 generated substantial new information regarding streamflow, potential additional recharge,
3 precipitation, evapotranspiration, and groundwater conditions throughout the Basin.

4 GSWC identifies no other party other than itself who has argued Watermaster's data
5 collection efforts are inadequate. Nor does GSWC identify any decision of the Court concluding
6 that Watermaster's existing monitoring network fails to provide sufficient data for implementation
7 of the Judgment.

8 **IV. Watermaster Has Considered Additional Monitoring Opportunities, Including a**
9 **new Streamflow Gage at Helendale**

10 GSWC repeatedly argues that Watermaster should improve measurement of flows
11 between the Transition Zone and the Centro Subarea near the Helendale Fault.

12 Watermaster has already considered those issues and has explained its methodology for
13 evaluating flows to Centro. Watermaster currently relies upon measured streamflow data,
14 groundwater level monitoring, precipitation data, pumping records, consumptive use estimates,
15 and subsurface flow analyses to quantify flows through the Transition Zone and into Centro.
16 Watermaster explained in its Technical Memorandum why these datasets constitute the best
17 available information currently available for this purpose. In addition, Watermaster's
18 methodology for evaluating surface flows at Helendale Fault is consistent with the 1996 Amended
19 Statement of Decision which states that:

20 *The transition zone has a fairly stable water level. It is necessary to maintain that water*
21 *level so that the surface flows passing the Lower Narrows and the subsurface inflow into*
22 *the transition zone will reach the Helendale Fault, and hence downstream subareas; the*
23 *flows at the Helendale Fault will in the future be measured using monitoring wells to*

1 *insure that water levels are maintained within the transition zone. (excerpt from section*
2 *F.2.)*

3 Nonetheless, Watermaster has reconsidered the possible installation of a new streamflow
4 gage at or near the Helendale Fault. For the next fiscal year, I will propose to Watermaster that
5 we investigate the feasibility, cost, and potential benefits of funding and installing a new gage
6 near Helendale.

7 **V. GSWC's Disagreement with Watermaster's Methodology does not Establish that**
8 **the Existing Methodology is Inadequate**

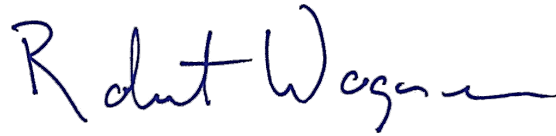
9 In its opposition, GSWC argues that Watermaster should replace or supplement existing
10 methodologies with alternative approaches proposed by GSWC and its consultant(s). However,
11 GSWC does not establish that Watermaster's current methodology is inaccurate, unreliable, or
12 inconsistent with the Judgment.

13 As explained above, groundwater levels, measured streamflow, precipitation records,
14 pumping records, consumptive use estimates, and subsurface flow estimates (as provided in the
15 Judgment) provide a reliable basis for evaluating hydrologic conditions within the Basin and to
16 formulate scientific calculations of PSY. In Watermaster's Motion, Watermaster also explained
17 that remote sensing and AI-based modeling approaches remain subject to uncertainties and
18 limitations and, while they may provide different answers, they may not provide superior answers.
19 At GSWC's urging, during one of Watermaster's public workshops, Watermaster listened to a
20 presentation by a representative of UpstreamTech but was not persuaded its modeling services
21 would be useful. AI-modeling approaches themselves need to be validated and calibrated with
22 readily available data such as measured groundwater levels, stream flow gages, precipitation, etc.
23 Accordingly, Watermaster has reasonably determined that its current methodology remains the

1 best available approach for implementing the Judgment while additional studies and tools
2 continue to be evaluated.

3 Importantly, the Court did not order Watermaster to adopt GSWC's preferred
4 methodology. It required Watermaster to consider and evaluate available options. Watermaster
5 complied with the Court's Order and exercised its technical judgment when doing so.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct, and more likely than not true, and is executed in Sacramento,
8 California on August 5, 2026.

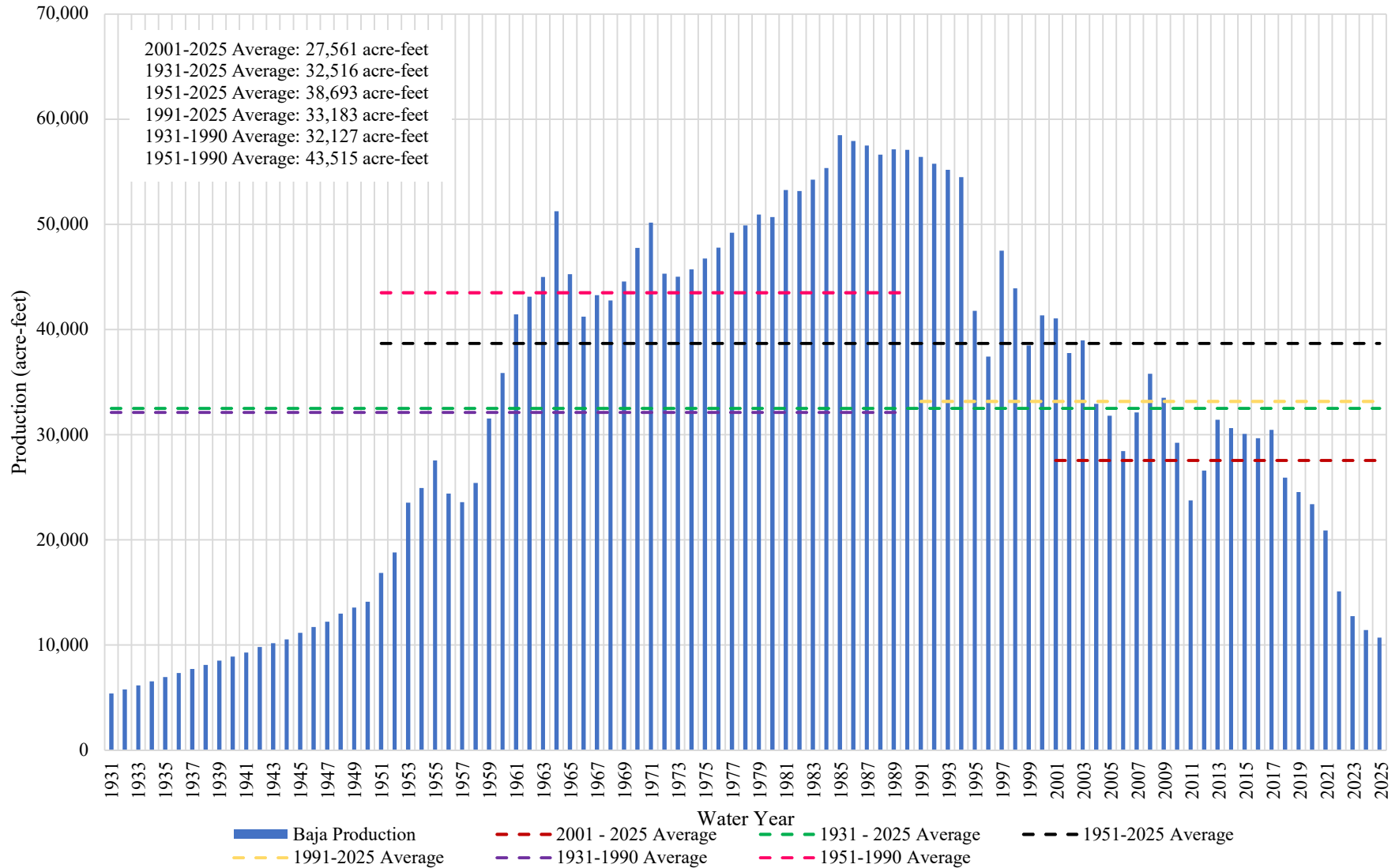
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ROBERT C. WAGNER P.E.

EXHIBIT 2

Baja Production



Note:

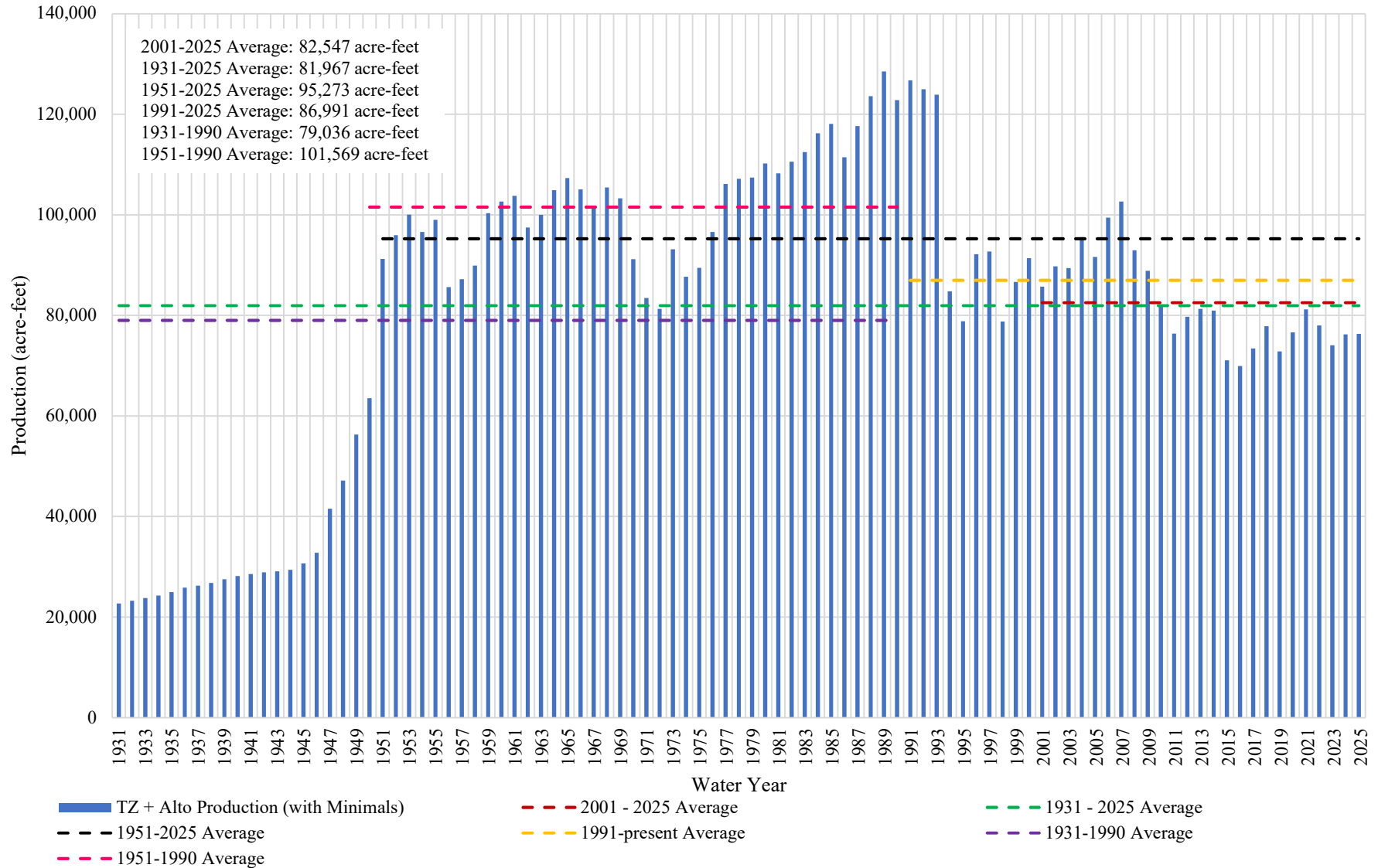
1931-1950 data from Hardt, values were approximately double those of other periods because they represented net pumping values.

1931 - 1993 data from USGS "Simulation of Ground-Water Flow in the Mojave River Basin, California", Stamos. 2001

1994 - 2025 data from Mojave Watermaster.

EXHIBIT 3

Alto and Transition Zone Production

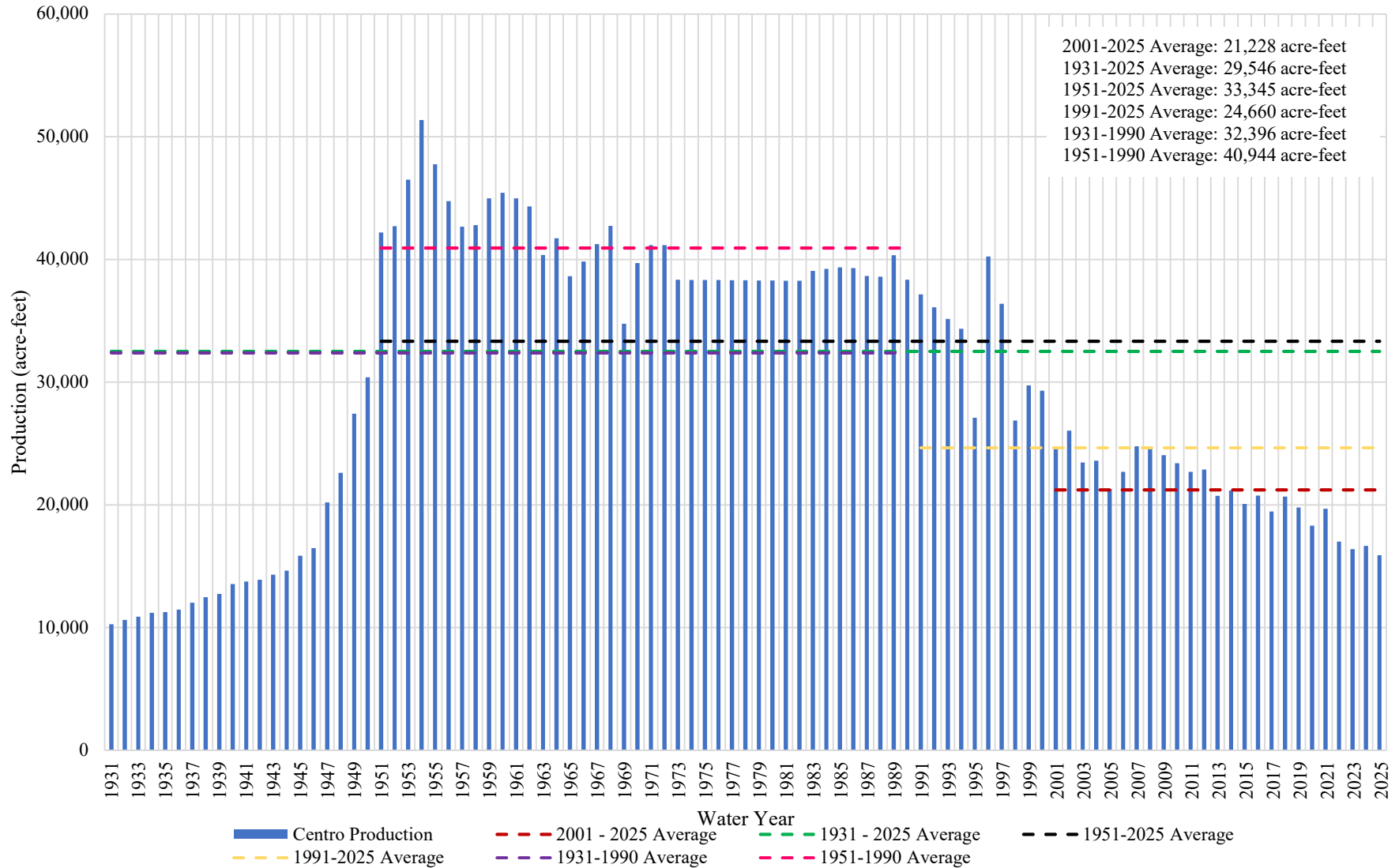


Note:

1931-1950 data from Hardt, values were approximately double those of other periods because they represented net pumping values.
 1931 - 1993 data from USGS "Simulation of Ground-Water Flow in the Mojave River Basin, California", Stamos. 2001
 1994 - 2025 data from Mojave Watermaster.

EXHIBIT 4

Centro Production



Note:

1931-1950 data from Hardt, values were approximately double those of other periods because they represented net pumping values.

1931 - 1993 data from USGS "Simulation of Ground-Water Flow in the Mojave River Basin, California", Stamos. 2001

1994 - 2025 data from Mojave Watermaster.

EXHIBIT 5



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

787 N. Main St., Suite 220
Bishop, CA 93514
wildlife.ca.gov

May 15, 2026

Mr. Jeff Ruesch
Watermaster Services Manager
Mojave Water Agency
jruesch@mojavewater.org

Subject: Biological Resources Trust Fund Project Fund Request – Fiscal Year 2026-2027

Dear Mr. Ruesch:

In accordance with the Memorandum of Understanding between the Mojave Basin Area Watermaster ("Watermaster") and the California Department of Fish and Wildlife ("CDFW") regarding the administration of the Biological Resources Trust Fund ("Trust Fund") as required by Exhibit H of the Mojave Basin Area Judgment ("Judgment"), CDFW submits the projects listed in the table below for fiscal year 2026-2027.

Proposed Biological Resources Trust Fund Projects for Fiscal Year 2026-27			
Project Number	Project Title	Lead	Cost
1.	Mojave River Riparian Bird Monitoring Project	Mojave Desert Resource Conservation District and San Diego Natural History Museum	\$37,296
2.	Mojave River Riparian Vegetation Mapping	Mojave Desert Resource Conservation District and UC Riverside	\$106,400
3.	Camp Cady Habitat Pond Improvements	Mojave Desert Resource Conservation District and CDFW	\$43,680
4.	Mojave River Southwestern Pond Turtle Surveys	Mojave Desert Resource Conservation District and Living Desert Zoo and Gardens	\$56,000
5.	Camp Cady Field and Pivot Maintenance	Mojave Desert Resource Conservation District and CDFW	\$16,800
6.	Camp Cady Riparian Restoration and Monitoring	Mojave Desert Resource Conservation District and CDFW	\$16,800

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Jeff Ruesch, Watermaster Services Manager
 Mojave Basin Watermaster
 May 15, 2026
 Page 2

7.	Mojave River Fuels Reduction and Weed Eradication	Mojave Desert Resource Conservation District	\$10,000
8.	Mojave Narrows Regional Park Well Measurement	Mojave Water Agency	\$2,000
	Total		\$288,976

Project Details

1) Mojave River Riparian Bird Monitoring

CDFW requests \$37,296 to cover the cost of initiating a riparian bird monitoring program for species identified in Exhibit H, Table H-1, that occur in the Exhibit H, Figure H-1 mapped riparian forest habitat areas along the Mojave River at Mojave Narrows Regional Park and Camp Cady Wildlife Area ("Camp Cady"). The project will be conducted by avian ecologists with the San Diego Natural History Museum with prior experience conducting surveys on the Mojave River system. The project will include 3 rounds of breeding season point counts, targeted searches for Least Bell's Vireo (*Vireo bellii pusillus*) and Yellow-billed Cuckoo (*Coccyzus americanus*), and analysis and reporting of bird survey data including density estimates for all riparian bird species, review of contemporary literature, and comparison to past survey efforts. This information is needed to document the status of birds and associated groundwater dependent habitats along the Mojave River and the response of wildlife to changing groundwater and habitat conditions, restoration efforts, and other factors, relative to previous survey efforts. CDFW requests that the project be funded directly by Mojave Water Agency ("MWA") to the Mojave Desert Resource Conservation District ("MDRCD") using Trust Fund monies. MDRCD will then pay San Diego Natural History Museum and collect a project management fee (12%) to cover the cost of their services. The project is consistent with the Judgment and the Habitat Water Supply Management Plan for the Adjudicated Area of the Mojave River Basin, San Bernardino County ("Habitat Plan").

History

A detailed review of bird records and past surveys was compiled in the creation of the species list included in the Judgment as Exhibit H, Table H-1, which includes 15 separate bird species and noted their distribution across the Mojave Basin Area in 1996. Since that time, occasional project-based surveys and expert observers have continued to add valuable observation records, however focused surveys including Exhibit H areas in Alto and Baja have not occurred and are needed to document the current distribution of birds.

Jeff Ruesch, Watermaster Services Manager
Mojave Basin Watermaster
May 15, 2026
Page 3

2) Mojave River Riparian Vegetation Mapping

CDFW requests \$106,400 for the second year of the Mojave River Riparian Vegetation Mapping project led by the UC Riverside Center for Conservation Biology (“CCB”). In 2025-26, CCB completed a draft vegetation map that must be verified through an accuracy assessment process before it is compliant with the state’s standards¹ and published as final. The primary objective of this project is to assess and refine the accuracy of the map by performing additional field surveys within Exhibit H riparian areas, including Mojave Narrows Regional Park, Camp Cady, and other riparian forest habitat areas throughout the Lower Narrows and Transition Zone.

In 2025-26, CCB activities included fieldwork for vegetation mapping, geographic information systems (“GIS”) and remote sensing mapping of present-day vegetation communities, targeted re-mapping of 1995 vegetation communities using current methods and classification, obtaining and organizing previous aerial and satellite imagery and mapping data, and collection of isotope samples from water sources and vegetation for the pilot water sourcing study. Water isotope analyses will be used to inform our understanding of water used by plants, including water source and depth, which is critical in understanding cottonwood survival and recovery throughout the river. Cottonwood tissue samples were taken from Mojave Narrows Regional Park and Camp Cady, with water source samples collected from Deep Creek and Silverwood Lake. CCB will expand this sampling effort to cover phreatophytes from additional Exhibit H areas as well as incorporate more source water samples for water isotope analysis. Finally, CCB will work with CDFW to develop a new field monitoring protocol to monitor the success of cottonwood recruitment and provide a framework for continuing to monitor recruitment and survival under changing surface and groundwater conditions. Specific deliverables anticipated from 2026-27 CCB project include: 1) completion of the final Mojave River vegetation map as a geodatabase and supporting data, 2) the Mojave river cottonwood forest health and recruitment field survey protocol, and 2) a final report including details of the finalized vegetation map, assessment of change that has occurred at remapped areas, analysis of water isotopes, results of the cottonwood recruitment study, and recommendations for further management or study.

This work is necessary to evaluate the status of groundwater dependent vegetation types along the river and the relationship between the riparian habitats and the depth to groundwater standards in the Exhibit H riparian habitat monitoring wells. CDFW requests that the project be funded directly by MWA to MDRCD using Trust Fund monies. MDRCD will then pay CCB and collect a project management fee (12%) to cover the cost of their services. The project is consistent with the Judgment and the Habitat Plan.

¹ CDFW. 2025. [Survey of California Vegetation Classification and Mapping Standards \(SCV\)](#)

Jeff Ruesch, Watermaster Services Manager
 Mojave Basin Watermaster
 May 15, 2026
 Page 4

History

A detailed mapping of the riparian vegetation of the Mojave River was completed by Lines and Bilhorn in 1995 and published by the United States Geological Survey ("USGS")². The USGS study was incorporated in the Judgment to define the Exhibit H riparian habitat areas and quantify the consumptive use of water by riparian plants in each of the subareas. This study remains the most detailed and comprehensive representation of the Mojave river riparian vegetation to date, however, there have been significant changes to the extent, composition, and condition of riparian vegetation over the past three decades. In 2025-26, CDFW requested \$78,000 for the first year of the multi-year CCB vegetation mapping project resulting in the draft vegetation map and other items noted above. The completion of the modern vegetation map of the Mojave river and the associated CCB studies will provide new critical information to help advance the public trust objectives of the Judgment going forward.

3) Camp Cady Habitat Pond Improvements

CDFW requests \$43,680 to cover the cost and installation of a remote multiparameter water sonde system and a portable water quality meter for the pond habitat at the Camp Cady. This system will collect and share water quality in real time and allow for remote monitoring of the Camp Cady Ponds. The Mohave tui chub (*Siphateles bicolor mohavensis*)³ is the only fish native to the Mojave River and a California fully protected species that is also listed as state and federally endangered. Camp Cady has provided a refuge population for Mohave tui chub since 1987. In 2023, the Camp Cady and Tui Slough populations were determined to be extirpated in part due to poor water quality, and only three other populations now remain. Re-establishment of tui chub at Camp Cady is essential for the conservation and survival of the species, and maintaining adequate living conditions is vital. Collecting water quality data will allow CDFW fisheries staff to determine the normal cyclical patterns of each pond, to determine when re-establishment is possible, and will inform habitat management actions. CDFW requests that the project be funded directly by MWA to MDRCD using Trust Fund monies. MDRCD will then contract and/or otherwise procure the necessary services and equipment and collect a project management fee (12%) to cover the cost of their services. The project is consistent with the Judgment and the Habitat Plan.

History

² Lines, G. and Bilhorn, T. 1996. Riparian Vegetation and Its Water Use During 1995 Along the Mojave River, Southern California. *Water-Resources Investigations Report 96-4241*. U.S. Geological Survey.

³ Mohave tui chub (*Siphateles bicolor mohavensis*) is the current accepted taxonomic classification and synonymous with Mohave chub (*Gila mohavensis*) as it appears in Fish and Game Code section 5515.

Jeff Ruesch, Watermaster Services Manager
 Mojave Basin Watermaster
 May 15, 2026
 Page 5

Mojave tui chub is a fully protected species under state law and listed as endangered under the California and federal Endangered Species Acts. CDFW constructed two artificial habitat ponds for the Mojave tui chub recovery program in the mid-1980s after the loss of the perennially wetted areas on the property with groundwater declines to provide habitat for this species. The Mojave tui chub is the only fish native to the Mojave River, but it has been extirpated from the system since 1979 due to competition from introduced species, and other anthropogenic changes. Camp Cady provides one of three sites where refugia for these rare desert fish remain. CDFW requested \$10,000 for repairs to the eastern pond in 2015 after the clay liner was damaged by the roots of emergent vegetation. In 2025-26, CDFW requested \$110,000 to repair and re-line the eastern pond which was experiencing water clarity issues and had developed leaks in the clay liner. The pond repairs are now complete and the pond is ready for re-introduction of chub pending the procurement and installation of the necessary water monitoring systems to ensure fish survival.

4) Mojave River Southwestern Pond Turtle Surveys

CDFW requests \$56,000 to cover the cost of biological surveys for Mojave River populations of southwestern pond turtle in the Mojave River system by researchers affiliated with The Living Desert Zoo and Gardens to determine population status, distribution, and understand threats to the Mojave population. The southwestern pond turtle (*Actinemys pallida*) is a State Species of Special Concern and has been proposed for listing as threatened under the federal Endangered Species Act. These native turtles were previously distributed throughout the Mojave River system from the headwaters in the San Bernardino Mountains to the Afton Canyon Area of Critical Environmental Concern and are included in the Table H-1 list of species in the Judgment and in the Habitat Plan. However, their numbers have declined significantly since the 1990s, presumably due to insufficient water and infrequent stormflow dispersal events. The project continues demographic study and disease monitoring for the last large southwestern pond turtle population on the Mojave River system in the upper West Fork. Surveys will also be completed at Mojave Narrows Regional Park and the lower Mojave River. The research is needed to monitor the population and demographic trends for a threatened species that formerly occupied these areas and is necessary to inform opportunities for potential translocation or natural dispersal back into the habitat areas when suitable habitat exists or is enhanced or created. CDFW requests that the project be funded directly by MWA to the MDRCD using Trust Fund monies. MDRCD will then pay Living Desert and collect a project management fee (12%) to cover the cost of their services. The project is consistent with the Judgment and the Habitat Plan.

History

Southwestern pond turtles were once widely distributed throughout the Mojave River. However, they are now very limited, currently occurring only in the West Fork of the Mojave River below Silverwood

Jeff Ruesch, Watermaster Services Manager
Mojave Basin Watermaster
May 15, 2026
Page 6

Dam, and a small population occurring in the Mojave River at Afton Canyon. For many years this survey effort was led by researchers with USGS, however due to the recent federal reduction in workforce, the lead researcher is now affiliated with Living Desert. Trust Fund monies have been allocated to research on this species since 2017 to determine presence/ absence, mark existing southwestern pond turtles to determine population size and structure and assess habitat throughout the system with a future goal of recovering southwestern pond turtle populations where appropriate along the Mojave River.

5) Camp Cady Field and Pivot Maintenance

CDFW requests \$16,800 to cover the cost of conducting ongoing field, irrigation pivot, and well pump maintenance activities, such as electrical service and tire and sprinkler replacement. The pivot supplies water to upland game bird food plots which provide forage and cover for wildlife and support recreational hunting opportunities. These farming practices also reduce wind transport of sand in the dry riverbed. CDFW requests that the project be funded directly by MWA to MDRCD using Trust Fund monies. MDRCD will then contract and/or otherwise procure the necessary services and equipment and collect a project management fee (12%) to cover the cost of their services. The project is consistent with the Judgment and the Habitat Plan.

History

Trust Fund monies in the amount of \$3,000 were previously spent to reimburse the MWA to repair an irrigation pivot sprinkler system that is used to grow winter wheat, millet, milo, and Sudan grass crops for quail and pheasant hunts put on by Quail Unlimited and CDFW at Camp Cady. CDFW requested \$40,000 for fiscal year 2021-22 to cover the cost of replacing the failing pump in the agricultural production well that supplies water to the pivot, and to perform routine maintenance. CDFW requested \$10,000 for the fiscal year 2022-23, and \$15,000 for fiscal years 2023-24, 2024-25, and 2025-26. The pivot system requires annual maintenance of sprinkler nozzles, joints, transmission parts, and other parts due to age and damage from wind-blown sand so that the system is fully operational without leaks.

6) Camp Cady Riparian Restoration and Monitoring Project

CDFW requests \$16,800 to conduct repairs as needed to the existing water distribution and irrigation system for the restoration project and ponds, and to purchase materials for maintenance of the riparian restoration project area, ponds, and associated monitoring activities. CDFW requests that the project be funded directly by MWA to MDRCD using Trust Fund monies. MDRCD will then contract and/or otherwise procure the necessary services and equipment and collect a project management fee (12%)

Jeff Ruesch, Watermaster Services Manager
Mojave Basin Watermaster
May 15, 2026
Page 7

to cover the cost of their services. The funding will also pay for MDRCD to continue monitoring the project and prepare reports. The project is consistent with the Judgment and the Habitat Plan.

History

CDFW owns and manages the 1,186-acre Camp Cady. Camp Cady includes a portion of the Mojave River where perennial water flows have occurred in the past. The perennial water flows, in combination with shallow groundwater, have supported an extensive riparian forest that has provided diverse wildlife habitat and stabilized the soil, preventing sand dune formation. From the 1980s on, surface water flows and groundwater levels have declined significantly so that riparian vegetation has transitioned to barren or tamarisk infested areas.

In January 2013, Todd Engineers produced a final report titled "Hydrogeologic Investigation of Camp Cady Wildlife Area Newberry Springs, CA" ("Todd Report"). The Todd Report presented recommendations that addressed future management of Camp Cady, including an "engineered" habitat restoration program involving re-planting native riparian plant species and irrigating them with groundwater. A small pilot project was initiated by Quail Forever in 2014 in cooperation with MDRCD to evaluate survival and productivity of revegetation plant species along replicated transects. The project site was initially a five-acre area east of the fire pond and adjacent to an existing well and has been expanded to 50 acres at present. CDFW has requested that MWA provide Quail Forever with additional funds to implement subsequent phases of this project from 2015-2025.

7) MDRCD Mojave River Fuels Reduction and Weed Eradication

CDFW requests \$10,000 to continue treatment of areas with heavy weed infestations and heavy fuel loading along the Mojave River within the MDRCD Mojave River Fuels Reduction and Weed Eradication Plan. Targeted treatments of tamarisk, tumbleweed, and perennial pepperweed will occur within the MRCRD project area including Mojave Narrows Regional Park and Camp Cady. The evaluation of the effectiveness of the Northern tamarisk beetle (*Diorhabda carinulata*) as a biocontrol measure will continue in partnership with U.C. Santa Barbara and U.C. Agriculture and Natural Resources. CDFW requests that the project be funded directly by MWA to MDRCD using Trust Fund monies. The project is consistent with the Judgment and the Habitat Plan.

History

CDFW has previously requested Trust Fund monies to reimburse MWA for a contract with MDRCD to complete the Tamarisk and Arundo Eradication Plan for fiscal years 2007-2008 through 2009-2010. The Watermaster disbursed Trust Fund monies from 2007-2024. Most recently, the project was allocated \$40,000 per year for fiscal years 2020-2021, 2021-2022, and 2022-2023, \$25,000 for fiscal

Jeff Ruesch, Watermaster Services Manager
Mojave Basin Watermaster
May 15, 2026
Page 8

year 2023-2024, and \$10,000 for fiscal year 2024-25 to treat areas with heavy weed infestations and heavy fuel loading along the Mojave River and to conduct monitoring of tamarisk beetle biocontrol efforts. CDFW also has provided MDRCD state funds to implement wildfire fuel reduction and invasive plant control activities at Mojave Narrows Regional Park in the amount of \$73,640 over three years, reducing the need for Trust Fund at this location.

8) Mojave Narrows Regional Park Well Measurement

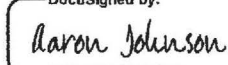
CDFW requests \$2,000 for MWA to continue measurement activities for the H1-2 well cluster located at Mojave Narrows Regional Park. Because these wells are located within the alignment of a busy roadway, an encroachment permit and traffic control for worker safety are required to collect data. This data is necessary to evaluate shallow groundwater levels as specified in Exhibit H, Table H-2 of the Judgment, and to implement projects consistent with the Habitat Plan. Therefore, CDFW requests the Watermaster to release \$2,000 from the Trust to MWA to carry out this work.

History

MWA routinely monitors and provides basic maintenance and upkeep for H1-2 Mojave Narrows Park Wells (05N04W23R03-R05 and -R07) at Mojave Narrows Regional Park. As the result of the Yucca Loma Bridge project, these wells are now located within the new road alignment and MWA is required to obtain an encroachment permit and provide traffic control for worker safety for access during data collection. CDFW has requested Trust Fund monies in the amount of \$2,500 for this purpose in fiscal year 2019-2020 and \$2,000 in each fiscal year since.

CDFW appreciates the opportunity to work with the Watermaster and MWA to fund these important projects in the coming fiscal year. If you or your staff have any questions about these projects, please contact me at (760) 872-1171 or by email at aaron.johnson@wildlife.ca.gov.

Sincerely,

DocuSigned by:

6477ACD4E0DE4DB...

Aaron Johnson
Senior Environmental Scientist

cc: California Department of Fish and Wildlife:

Alisa Ellsworth, Environmental Program Manager
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Jeff Ruesch, Watermaster Services Manager
Mojave Basin Watermaster
May 15, 2026
Page 9

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PROOF OF SERVICE

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

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

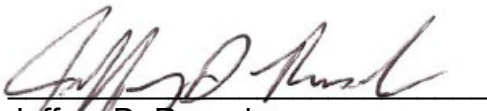
August 5, 2026, the document(s) described below were served pursuant to the Mojave Basin Area Watermaster's Rules and Regulations paragraph 8.B.2 which provides for service by electronic mail upon election by the Party or paragraph 10.D, which provides that Watermaster shall mail a postcard describing 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:

Watermaster's Reply Brief in Response to Objections to Motion to Adjust Production Safe Yield and Free Production Allowance Values for Water Year 2026-2027 / Supporting Declaration

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 5, 2026 at Apple Valley, California.



Jeffrey D. Ruesch

Mojave Basin Area Watermaster Service List as of August 05, 2026

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Mojave Basin Area Watermaster Service List as of August 05, 2026

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Attn: Leanna East (least@calportland.com)
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Attn: Tony Camanga
Camanga, Tony and Marietta
2309 Highland Heights Lane
Carrollton, TX 75007-2033

Attn: Myron Campbell II
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19327 Cliveden Ave
Carson, CA 90746-2716

Carlton, Susan
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Gardena, CA 90249-4526

Mojave Basin Area Watermaster Service List as of August 05, 2026

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CDFW - Camp Cady (via email)
4775 Bird Farm Road
Chino Hills, CA 91709-3175

Attn: San Bernardino Co Regional Parks
CDFW - Mojave Narrows Regional Park
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Attn: Paco Cabral
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CDFW - Mojave River Fish Hatchery (via
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Attn: Jennifer Cutler
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Attn: Nancy Ryman
Chamisal Mutual Water Company
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Attn: Carl Pugh (talk2betty@aol.com;
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Contratto, Ersula
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Mojave Basin Area Watermaster Service List as of August 05, 2026

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Gabrych Family Trust dated October 9, 2007
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Fallbrook, CA 92028

Gabrych Family Trust dated October 9, 2007
2006 Old Highway 395
Fallbrook, CA 92028-8816

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Mojave Basin Area Watermaster Service List as of August 05, 2026

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Mojave Basin Area Watermaster Service List as of August 05, 2026

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Helendale, CA 92342-0249

Attn: Jeff Gallistel
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Hesperia, CA 92345-3493

Attn: Isaac Ortiz (issacortiz@hesperiaca.gov)
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Ehrenberg, AZ 85334-0455

Attn: Lisset Sardeson
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10111 Choiceana Avenue
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Mojave Basin Area Watermaster Service List as of August 05, 2026

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Attn: Lawrence Dean (ldean28296@aol.com)
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Jess Ranch Water Company (via email)
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Trabuco Canyon, CA 92678-0542

Attn: Cynthia Mahoney
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Attn: Paul Johnson
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Johnson, Paul - Industrial (via email)
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Dammeron Valley, UT 84783-5211

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Johnston, Harriet and Johnston, Lawrence W.
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Attn: Magdalena Jones
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Attn: Paul Jordan
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Attn: Ray Gagné
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Attn: Jilin Xiao
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Mojave Basin Area Watermaster Service List as of August 05, 2026

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Mojave Basin Area Watermaster Service List as of August 05, 2026

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