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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

**NOTICE OF ERRATA RE
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**

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

1 **TO THE PARTIES IN THIS ACTION AND COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** the reference to page and line numbers to Wagner
3 Declaration Exhibit 1 were inadvertently omitted on page 6, line 8, and on page 11, line 11 of
4 Watermaster's Reply Brief. Corrected pages 6 and 11 are attached hereto, correcting those omissions.

5 Dated: August 10, 2026

BRUNICK, MCELHANEY & KENNEDY PLC

6
7 By:


Leland P. McElhaney

Attorneys for Defendant/Cross-complainant,
MOJAVE WATER AGENCY

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, 32:11-13.) 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 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, 39:21-40:2). These
12 elements of supply will be updated by the RMBM, but as of this time, they are considered the best
13 scientific 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

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 10, 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:

NOTICE OF ERRATA RE 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

 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 10, 2026 at Apple Valley, California.



Jeffrey D. Ruesch

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Mojave Basin Area Watermaster Service List as of August 10, 2026

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Mojave Basin Area Watermaster Service List as of August 10, 2026

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Mojave Basin Area Watermaster Service List as of August 10, 2026

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Mojave Basin Area Watermaster Service List as of August 10, 2026

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Mojave Basin Area Watermaster Service List as of August 10, 2026

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Mojave Basin Area Watermaster Service List as of August 10, 2026

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