



Technical Advisory Committee Adjudication and Watermaster's Role in Managing the Mojave Basin Area

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◆ About Mojave Water Agency

- Formed in 1960 by election and State Legislature
- Agency area is about 4,900 square miles and governed by seven elected Directors representing different divisions
- We manage the groundwater resources in the High Desert
- State Water Contractor
- Mojave Basin Area Watermaster

◆ Our Purpose

The agency may do any and every act necessary to be done so that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants of the agency...

MWA Act Sec. 15. (a)

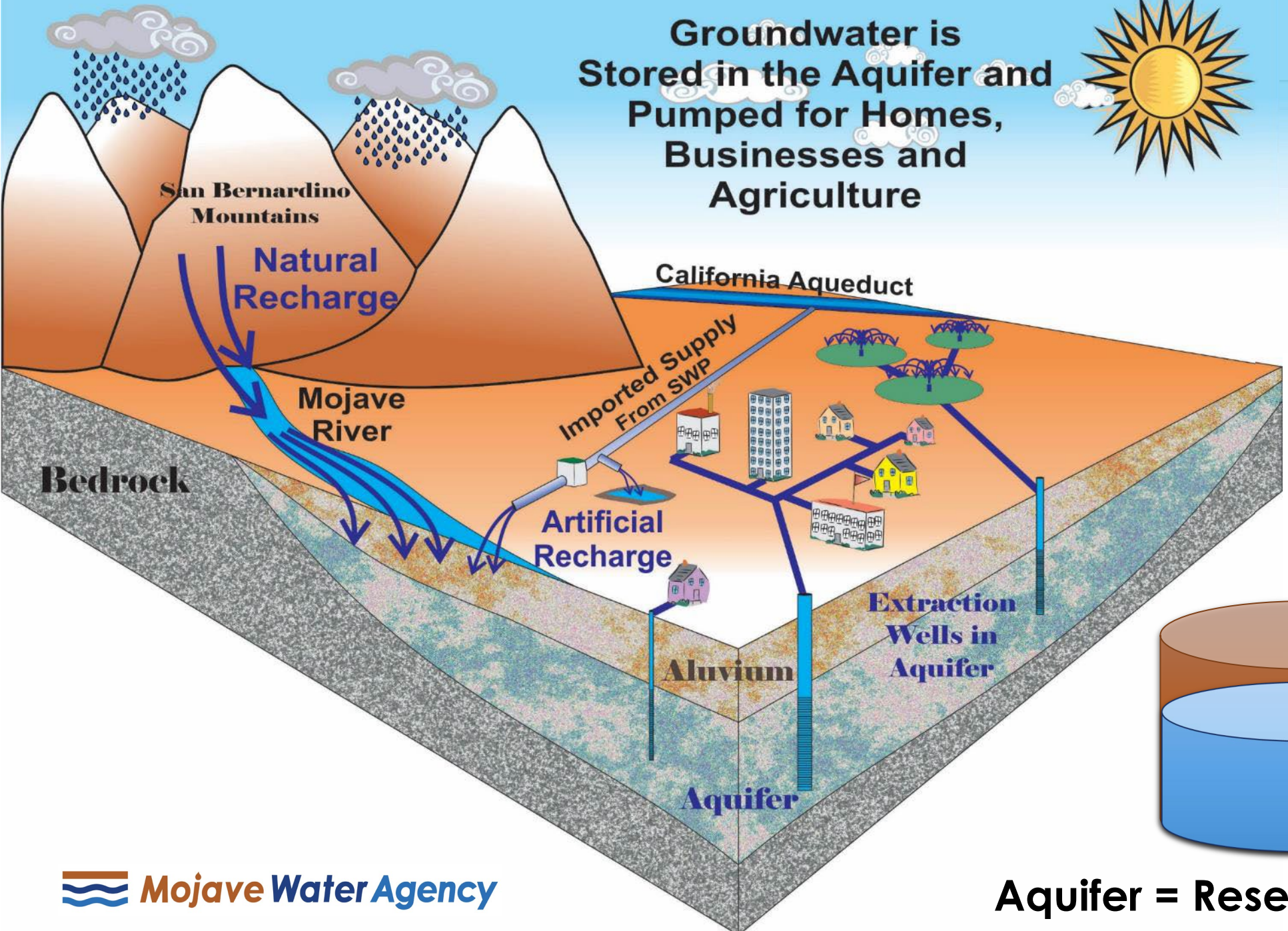


The Mojave Basin Area covers about 3,400 square miles and is organized into 5 unique Subareas to Administer under the Judgment

www.mojavewater.org/data-maps/map-gallery/

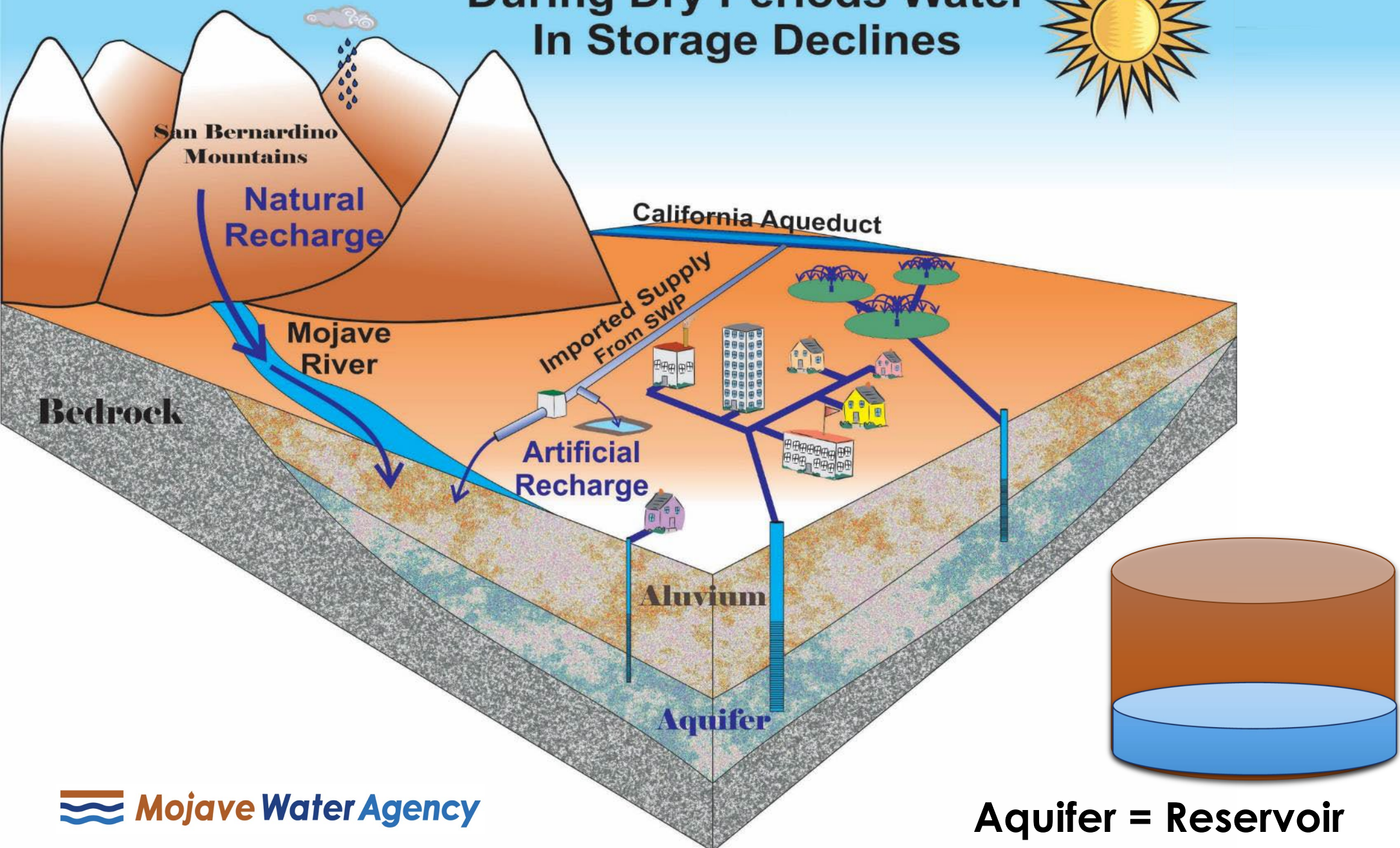


Groundwater is Stored in the Aquifer and Pumped for Homes, Businesses and Agriculture



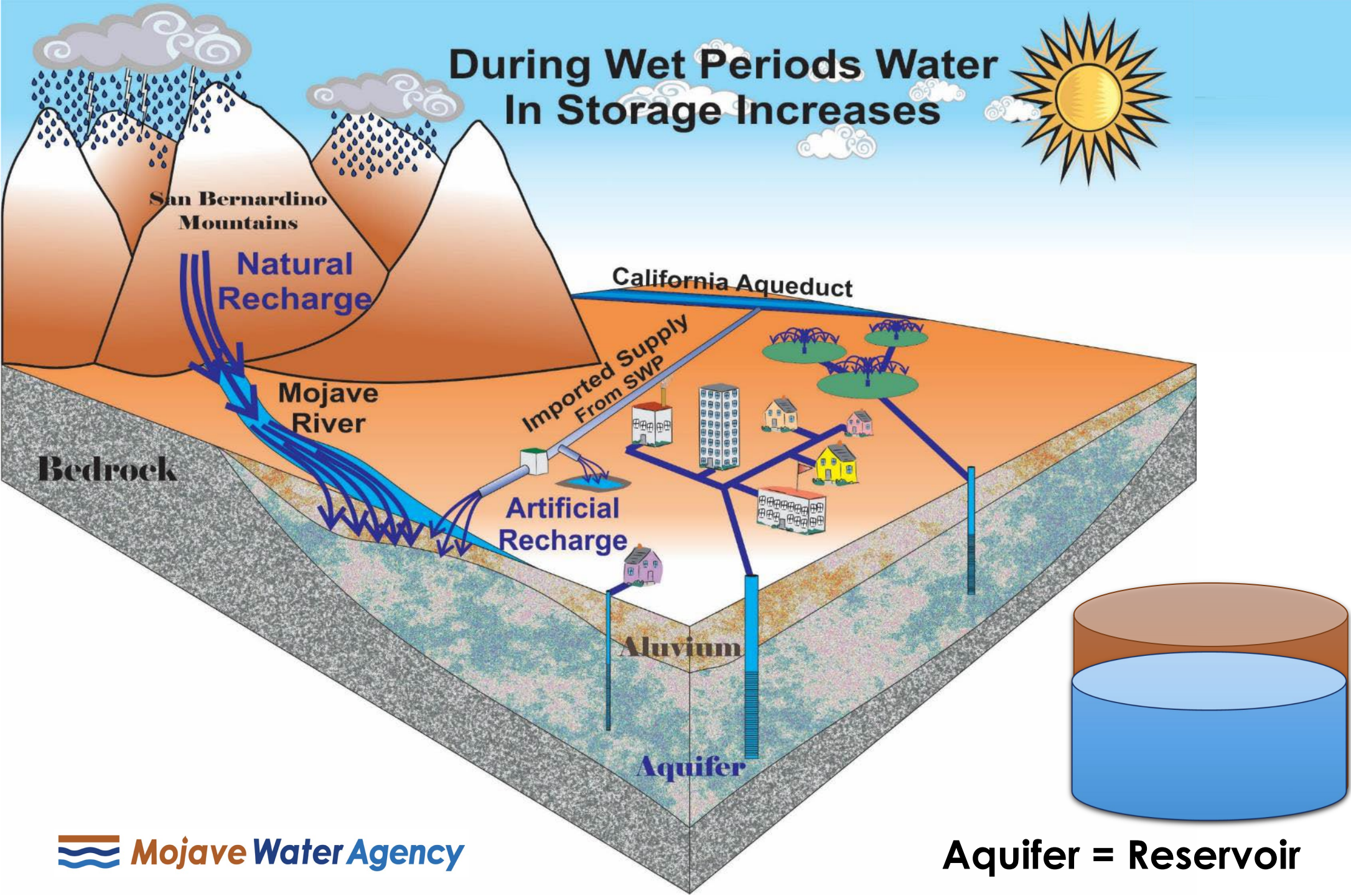
Aquifer = Reservoir

During Dry Periods Water In Storage Declines



Aquifer = Reservoir

During Wet Periods Water In Storage Increases



◆ What is an Adjudication?

- “Ad-ju-di-cate: To hear and settle (a case) by judicial procedure.”
- The Adjudication was the process in City of Barstow et. al vs. the City of Adelanto et. Al, January 10, 1996
- The Judgment was the product
- The Superior Court is a court of equity and has continuing jurisdiction
- As a result of the Judgment, the entire water supply of the Mojave Basin Area was adjudicated by the Court.



Why did we Adjudicate?

- To determine how to allocate the available water supply (surface or groundwater)
- A “fair” way to determine who will pay for imported water
- It has the power of “law” behind it and a Court readily available to handle disputes
- Certainty in water supply
- Adjudications are a widely used water management tool (26 Southern California groundwater basins)

Brief History of the Adjudication

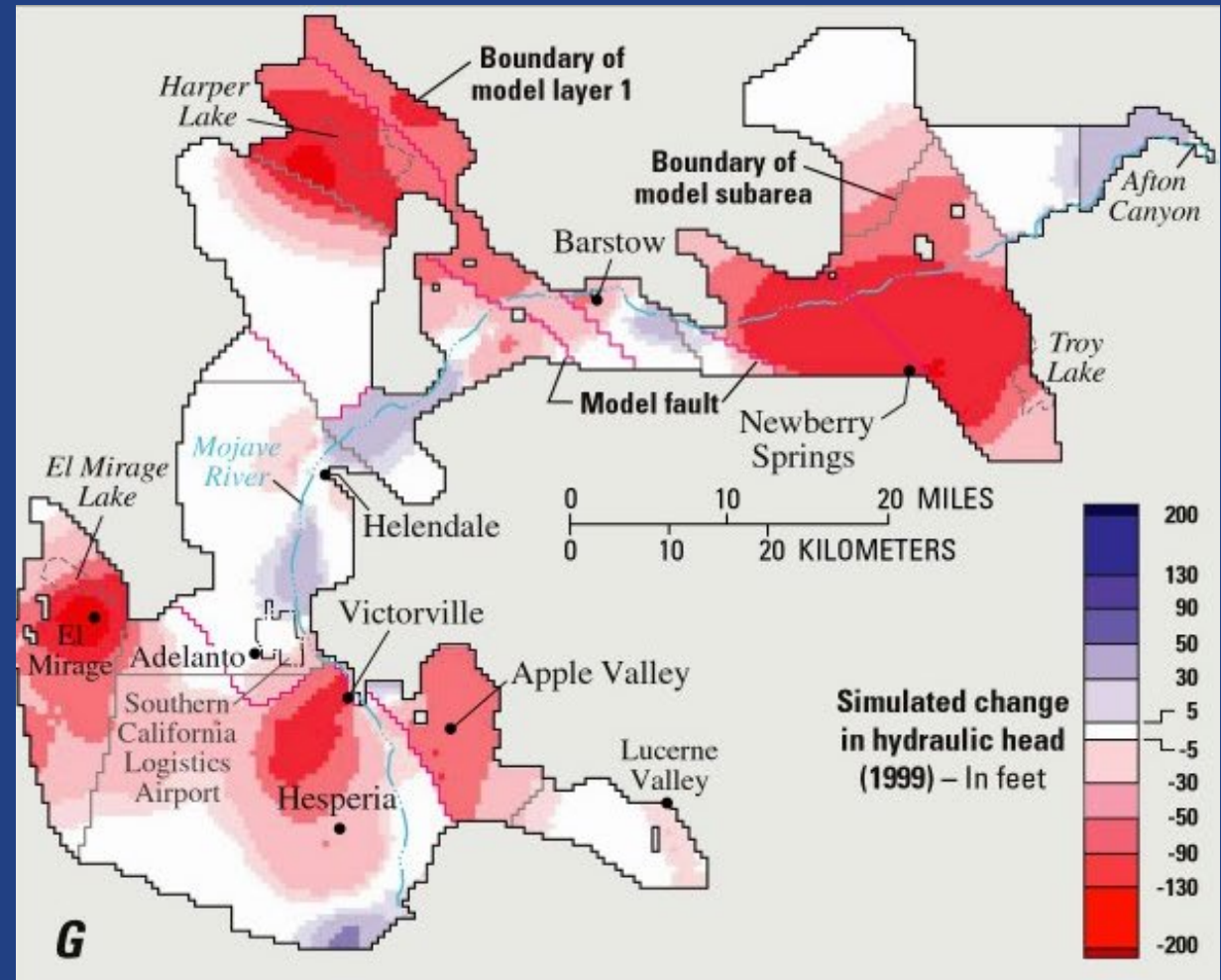
- Overdraft commenced in 1950s
- An early attempt to adjudication failed (1964-73)
- May 1990 Barstow Filed a lawsuit In San Bernardino Superior Court
 - Names pumpers >10 acre-feet upstream (“instream adjudication”)
 - Claims development and pumping in the Victor Valley reduced Barstow’s water supply
 - Demands delivery of 30,000 AFY surface flow measured at Barstow Gage
 - Demands MWA be compelled to import water
 - MWA Files Cross Complaint in 1991 and case moved to Riverside Superior Court

The Adjudication Process was Complicated

- Geology and Hydrology are complex
- The area is large, and the parties are numerous
- Mistrust of MWA and among parties
- Downstream parties blamed upstream development for their problems
- Parties wanted to preserve historic uses

A USGS model showed that overdraft lowered water levels up to 200 feet from 1931-1999

WRIR 01-4002 (published in 2001)



<https://pubs.usgs.gov/wri/wri014002/>

Reaching Judgment

- Interim Judgment entered in 1993
- Trial in 1995
- “Final” Judgment entered in 1996
- Judgment was appealed by Jess Ranch and Cardozo Group
- Appellate Court rules in favor (in part) of Jess Ranch and Cardozo Group (1998)
- Supreme Court rules for Cardozo group but also affirms the physical solution for the stipulating parties
- Settlement with Cardozo Group and Jess Ranch

Judgment and Physical Solution

- MWA appointed as Watermaster
- MWA assigned task of building facilities (pipelines, recharge basins, administration)
- Provide a reliable and sustainable long-term water supply
- Mechanism to purchase imported water
- Watermaster was not given much discretion by the Judgment
 - Parties wanted a non-political decision-making process

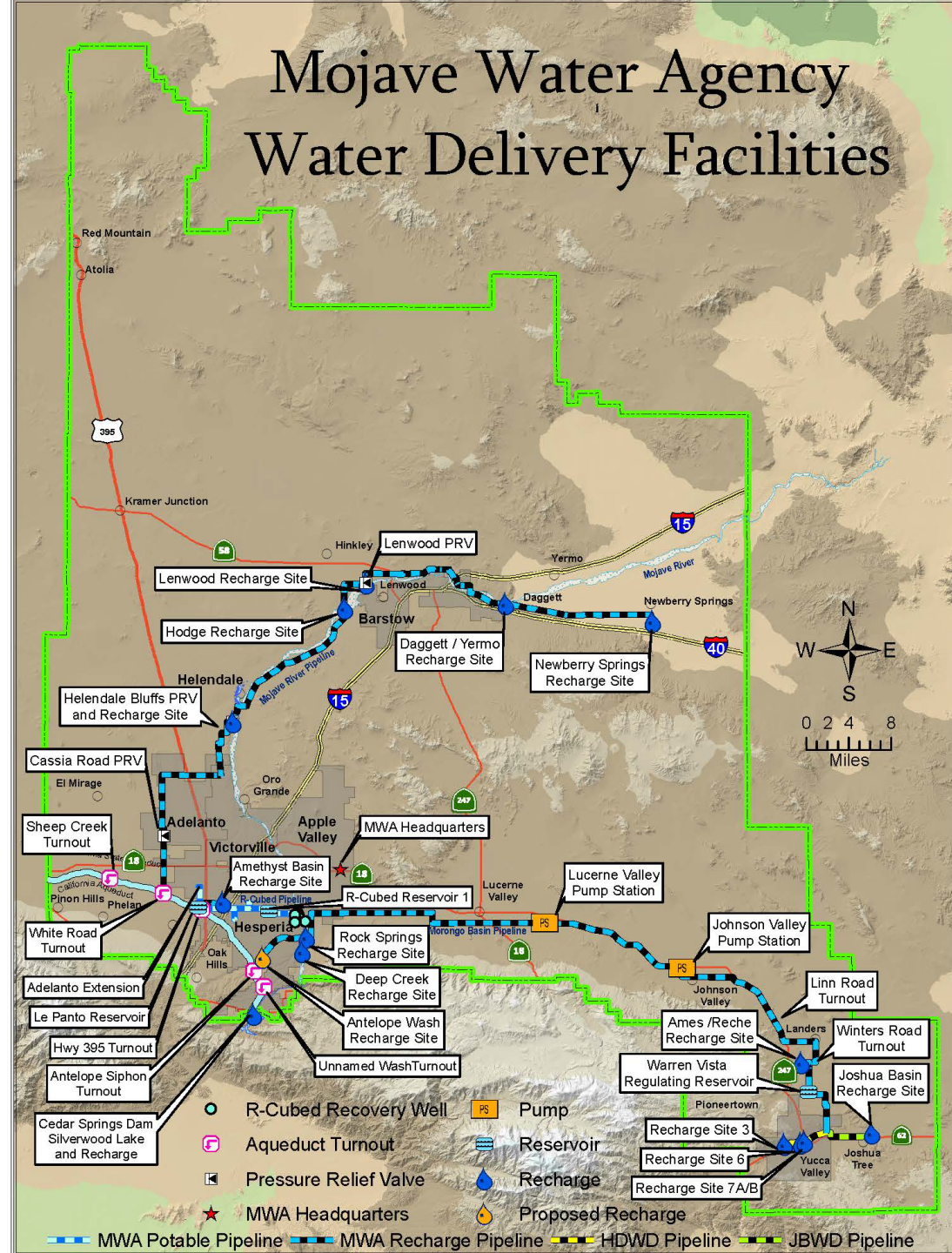
Key Pieces of the Judgment, “The Physical Solution”

- Overdraft was declared by the Court in the five Subareas
- Judgment formed the basis of Parties’ Production Rights (highest year of use, 1986-90)
- Transferability of Production Rights
- Administrative Assessments
- Biological Resources Assessments
- “Rampdown” to achieve balance
 - Specific to each Subarea
 - Goal to balance Free Production Allowances with Production Safe Yield in each Subarea of the basin

Key Pieces of the Judgment, “The Physical Solution”

- Subarea Obligations
 - Surface and subsurface
 - Makeup Water Obligations
 - One Subarea cannot cause depletion of supply to another Subarea
- Replacement Obligations
 - Parties have responsibility to offset production in excess of production rights
 - Replacement water purchases or water transfers
 - Fundamental purpose of the Judgment was to create a mechanism for Watermaster to raise money to purchase imported water supplies to arrest overdraft and provide a reliable long-term water supply

Water from the State Water Project Augments Local Supplies



Watermaster's and MWA's organizational role in the Judgment's Obligations

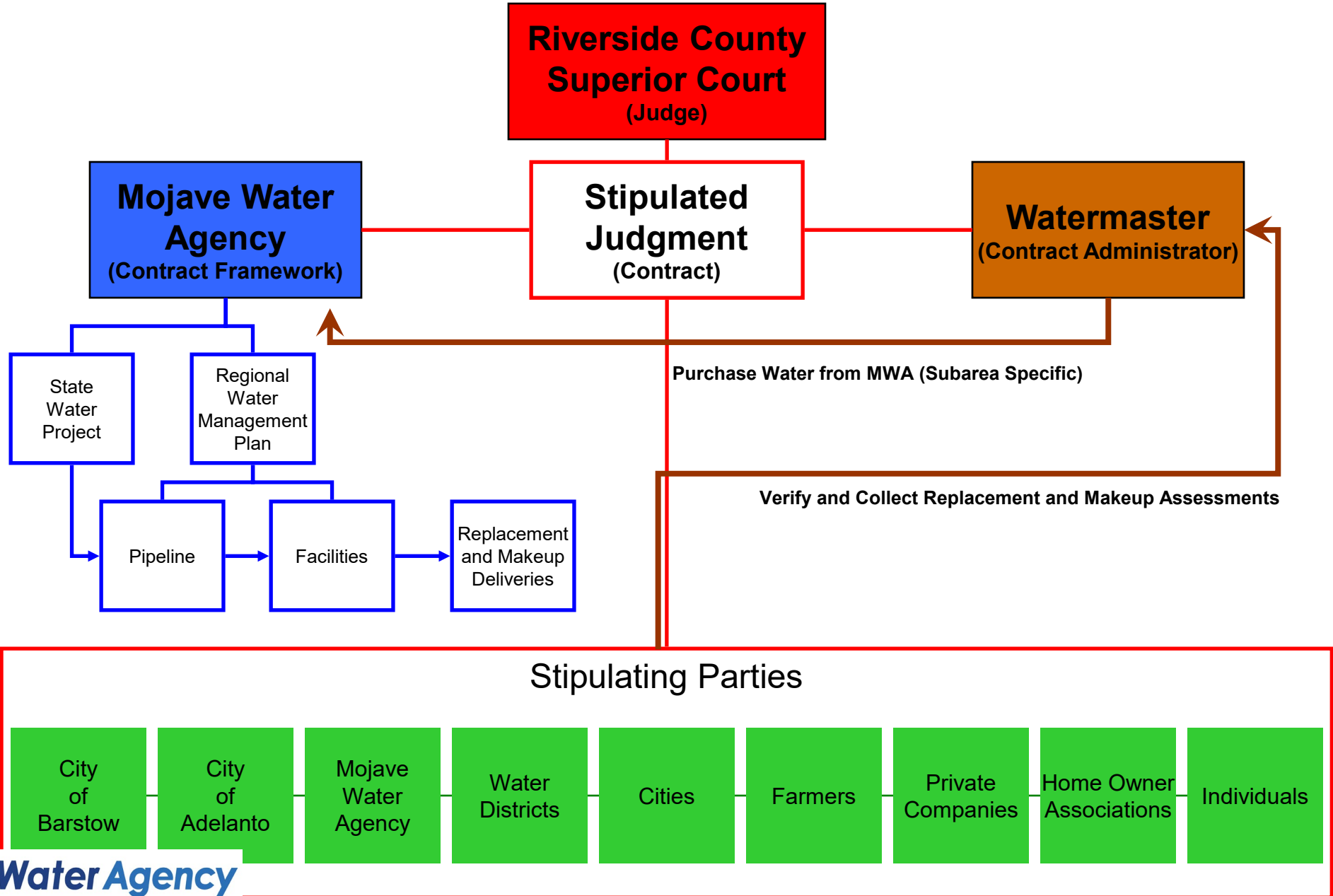
Watermaster

- Producers over pump and incur a replacement water obligations
- Producers make payments to Watermaster who in turn buys water from MWA and specifies which Subarea is to receive water from the purchase

MWA

- Implements the RWMP and supports implementation of the Judgment
- Develops facilities for conveying and spreading water
- Provides supplemental water to the Subareas through its SWP contract
- Sets water rates and prioritizes deliveries using the Judgment as a guide

Stipulated Judgment Administration and Organization Chart



What does the Watermaster do?

- Implement the Judgment (Administer the Contract)
 - Verify water production for all parties under the Judgment (approximately 415 parties and 1,750 wells within the Mojave Basin)
 - Process water transfer requests (about 250/Yr.)
 - Maintain Subarea Balances
 - Make Rampdown recommendations to the Court
 - FPA = PSY
 - Any production over FPA is purchased and replaced in the basin
 - Water level monitoring

What does the Watermaster do?

- Collect Assessments
 - For mitigation of over-use of water supply
 - For administration of the Watermaster
 - For Biological Resources Trust Fund (DF&W)
- Provide for Downstream Assurances
 - Determine Makeup water obligations and assessments from available hydrologic data
- Biological Resource Mitigation
 - Maintain water levels
 - Consideration of public trust resources
- Annually Report back to the Court

Success of the Adjudication was about striking a balance

- What was achieved?
 - Physical balance – the tools necessary to balance supply and demands in the basin area
 - Arrest overdraft
 - Pay for imported supplies
 - Economic balance – the area is preserved by the ability to pay for and receive supplemental water supply for current and future needs
 - Political balance – equity in determination of Production Rights was a concession by all parties and put competing uses on the same playing field
 - **Everyone was equally unhappy**