

**Legal Statement:**

The Water Resources Manager has referred to legal counsel legal comments received in connection with public comment to the GSP. We have advised the JPA as follows.

The GSP is a technical document that describes the physical conditions of the basin and sets out the process for managing adverse impacts. It is not intended as a determination of water rights of pumpers in the Basin. It is also not a legal brief.

We have advised the JPA that water used or contemplated to be used by the Federal Government in connection with the operation of China Lake Naval Weapons Test Center is beyond the jurisdiction of the JPA's regulatory authority. Under the process outlined by the GSP, the JPA will make a technical determination of the potential scope of this water use. The remaining water, if any, will be available for all water users. The JPA will then set the fees necessary to replenish the water used beyond the safe yield by all users except the Navy.

The legal comments we have reviewed are beyond the scope of this portion of the GSP process. Many of these comments present an analysis of the JPA's statutory authority or the interaction between state and federal law. Others legal issues concern objections to actions that the JPA has yet to take. Finally, several comments are based on the false presumption that the JPA is making a determination regarding water rights.

Each of these legal comments is beyond the scope of the GSP currently before the JPA board. While the JPA has no desire to curtail responses to the GSP, we have advised that responding to these legal arguments is not productive to the current GSP adoption.

- IWVGA Legal Counsel