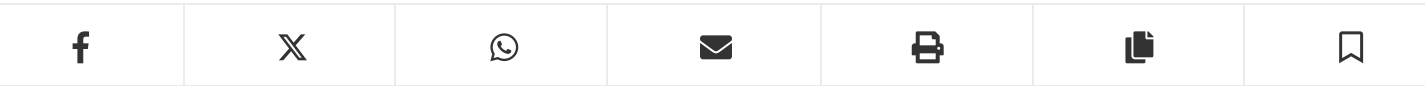


Court rules Navy water allocation is 2,008 AFY; stakeholders react to reduction and meaning for water ratepayers

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A proposed decision in the ongoing water adjudication lawsuit between Mojave Pistachios, et al., vs. Indian Wells Valley Water District, et al., has set the Navy’s reserved water right at 2,008 acre-feet per year.

This is in line with the water usage at Naval Air Weapons Station China Lake averaged over the last 10 years, with about 500 more acre-feet allowed to handle potential new weapons development and testing programs. But it’s short of the 6,783 AFY the Navy had said it needed to account for growth.

It’s also less than the 6,350 AFY that the Navy was allocated in the IWW Groundwater Sustainability Plan. Since the the GSP was approved by the state in 2022, the IWWWD has received more than 4,000 AFY out of the Navy’s unused allotment, which is exempt from the Indian Wells Valley Groundwater Authority’s replenishment fee of \$2,130 per acre-foot.

It’s this point that has prompted reactions from several involved parties on both sides of the issue.

“The discrepancy is because the GA incorrectly allocated water to the Navy that is currently being pumped by the Indian Wells Valley Water District to serve Navy personnel living off base,” Searles Valley Minerals stated in a press release this week. “Because the GA’s Groundwater Sustainability Plan and fees are based on its incorrect conclusion that the Navy had a right to 6,350 acre-feet of water, the validity of the GSP and fees are now seriously in question.”

IWVGA, meanwhile, stated in its own press release responding to the July 28 ruling that the ruling opens the door for plaintiffs Searles Valley Minerals and Meadowbrook Dairy Real Estate to further litigate for a larger share of water rights, which it said would almost certainly come at the expense of the IWWWD and smaller water users.

“The only winners here are private interest that want more water at the expense of the residents and businesses of Ridgecrest,” IWVGA Chairman Scott Hayman said in the release. “Meadowbrook Dairy stands to benefit from this costly legal exercise to successfully secure more water rights and then sell them back to the Water District, with costs passed on to water district customers.”

“In 2024, the Water District pumped 74% of its total use in replenishment-free unused water,” Ridgecrest City Manager Ron Strand wrote in an op-ed. “This exemption saved the Water District — and its ratepayers — millions of dollars annually. Now, with the court’s preliminary ruling in favor of a sharply-reduced federal reserve right for the Navy, that replenishment-free water supply is at risk. Unless overturned, the Water District could be forced to purchase water, that it once pumped for free, from local big agricultural interests — forcing Ridgecrest residents and businesses to pay significantly higher water rates.”

IWVWD General Manager George Croll declined to comment when reached by the Daily Independent.

To decide the water rights allotment, the court referred to a body of case law called the “federal reserved water rights doctrine.” One quote from *Cappaert v. United States* (1976) explains thusly: “When the federal government withdraws its land from the public domain and reserves it for a federal purpose, the government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation.”

The decision also states that a federal reserved water right does not extend to land outside the reservation. Thus, it ruled against the city of Ridgecrest’s assertion that the water rights extended outside base boundaries in furtherance of the federal purpose for which the land was reserved, starting that under the primary-secondary purpose test, water that does not serve the primary purpose of the reservation is not part of a federal reserved right.

The court also pointed out that the United States may acquire rights to accomplish secondary purposes on the same basis as any other user under state law.

The next question at hand is what China Lake’s primary purpose is.

A Nov. 8, 1943, order establishing the base states: “A station, having for its primary function the research, development, and testing of weapons, and having additional function of furnishing primary training in the use of such weapons, is hereby established.” A 1944 letter from the Secretary of the Interior and two public land orders have similar language.

conversely, Ridgecrest et al. contended that the primary purpose of China Lake is both as a military installation and company town, according to a brief the city submitted to the court.

The court's ruling said that it agrees the water needed to provide housing for those living on base is part of the federal reserved water right, and that it remains the case today for the 6% of the workforce that lives on base.

"but to argue that the reason for the withdrawal was to build a town is a bridge too far," the court said. "This contention conflates the reason for establishing China Lake, i.e., its primary purpose, with what is needed to support that purpose.

The court then looked at the history of housing, population, and water usage at China Lake. As it stands now, there are 192 units for family housing, 192 beds for unaccompanied personnel, and 24 beds for "geobachelor" housing for service members living apart from their families. In addition, 16 new family units have been approved for future construction. Meanwhile, 94% of the workforce lives off base, mostly in Ridgecrest and the Indian Wells Valley.

This is a big reduction from the base's early years, when there were more than 3,400 housing units in 1954, including 2,227 residences, and 2,916 family units on base in 1972.

The Navy abandoned its "company town" model by the 1970s, sending the workforce to private housing in town. (Houses now advertised in real estate listings as "Deeter homes" were built in the 1970s by developer John Deeter, who was one of several developers to come to Ridgecrest in that time frame to meet the demand for off-base housing.)

That led to a reduction of housing inventory on base: in 1980, there were fewer than 1,500 houses, with that number falling to 818 in 1990 and fewer than 200 in 2004.

This coincided with a reduction of personnel at China Lake, with 23,406 personnel in 1991 at the height of the Cold War, with that number falling to 12,837 in 2000 and 10,859 in 2017.

With on-base housing and workforce reductions, water usage has also fallen significantly, from nearly 8,000 acre-feet in 1970 to 1,367 used in 2024. (This also reflects water conservation measures taken beginning in 1989.)

Over the last 10 years, the base has averaged 1,536 AFY, although that average is inflated by higher usage in 2021 and 2022 due to construction to recover from the 2019 earthquakes. A 14-year chart shows the base pumped 1,685 acre-feet in 2011; 1,708 in 2012; 1,588 in 2013;

1,607 in 2014; 1,421 in 2015; 1,594 in 2016; 1,450 in 2017; 1,596 in 2018, 1,407 in 2019; 1,436 in 2020; 1,830 in 2021; 1,651 in 2022; 1,367 in 2023; and 1,380 in 2024.

Then the court started divvying up which things were part of the core mission and which were not. NAWSCL has been supplying 20 AFY of water to the BLM horse and burro facility off base, which is not considered part of the core mission. MWR programs are considered part of the mission because they ensure sailors are best positioned to do their jobs, but the court carved out the golf course (325 AFY) because it's irrigated by treated wastewater from the city of Ridgecrest.

Another 200 AFY are used to support the endangered Mohave Tui Chub fish, but since that also comes from treated wastewater, it's not included in the Navy's allotment.

Taking the average pumping of 1,398 AFY, adding 108 AFY for wildland firefighting and certain test and target area support, and subtracting 20 AFY that's used for horses and burros, the court found that the minimum needed to fulfill its mission is 1,624 AFY.

Then the court added in 215 AFY for possible new weapons development programs on base and 169 AFY for additional personnel, which adds up to 2,008 AFY per year.

"Other stakeholders in the basin will now have more access to the water they need to support their communities and operations," SVM said in its release. "The decision also reaffirms the importance of evidence-based decision making, transparency, and collaboration in water management decisions."

"This situation arose because the Water District chose to file a comprehensive adjudication when it could have simply filed a lawsuit directly against the Indian Wells Valley Groundwater Authority in challenge of the Groundwater Sustainability Plan," Strand said in his op-ed. "A more narrow legal challenge would have allowed the Water District to contest the plan, without opening the door to a full adjudication trial — a process that ultimately placed the Navy's federal reserve right under legal scrutiny."

A phase 2 trial to determine the safe yield of the IWW Groundwater Basin is set for June 1, 2026. Additional trials to determine all parties' groundwater rights and establish a physical solution for the basin, will be scheduled later.