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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

10
11 Coordination Proceeding)
12 Special Title (Rule 1550(b)))

13 **ANTELOPE VALLEY**)
14 **GROUNDWATER CASES**)

15 Included Actions:)

16 *Los Angeles County Waterworks District*)
17 *No. 40 v.*)
18 *Diamond Farming Co., et al.*)
19 *Los Angeles County Superior Court, Case*)
20 *No. BC 325 201*)

21 *Los Angeles County Waterworks District*)
22 *No. 40 v.*)
23 *Diamond Farming Co., et al.*)
24 *Kern County Superior Court, Case No.*)
25 *S-1500-CV-254-348*)

26 *Wm. Bolthouse Farms, Inc. v. City of*)
27 *Lancaster*)
28 *Diamond Farming Co. v. City of Lancaster*)
Diamond Farming Co. v. Palmdale Water)
Dist.)
Riverside County Superior Court,)
Consolidated Action, Case Nos. RIC 353)
840, RIC 344 436, RIC 344 668)

29 **AND RELATED CROSS-ACTIONS**)

Judicial Council Coordination Proceeding
No. 4408

(For Filing Purposes Only: Santa Clara
County Case No.: 1-05-CV-049053)

Assigned for All Purposes To:
Judge: Hon. Jack Komar

(Filing Fees Exempt, Per Gov't Code § 6103)

**SUPPLEMENTAL RESPONSE AND
DECLARATION OF PHELAN PINON
HILLS COMMUNITY SERVICES
DISTRICT TO THE COURT'S ORDER
TO ALL PARTIES FOR DISCLOSURE
OF CERTAIN INFORMATION ;
IDENTIFICATION OF ADDITIONAL
TRIAL WITNESS**

Phase Four Trial Date: May 28, 2013

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Pursuant to the Court's Case Management Order for Phase 4 Trial dated December 12,
3 2012 and the Court's subsequent amendments to that Order (collectively, the "Phase 4 CMO"),
4 Phelan Piñon Hills Community Services District ("PPHCSD") hereby submits the following
5 response and declaration as supplemental and additional information to information previously
6 provided by PPHCSD:

7 (1) Absent a stipulation from all parties participating in the Phase 4 trial as to the
8 foundation and authenticity of the Certificates of Accuracy records previously provided through
9 Exhibit E of PPHCSD General Manager Don Bartz's declaration dated January 31, 2013, and as
10 stated in PPHCSD's Discovery Disclosure on December 21, 2012, PPHCSD intends to call as a
11 witness during the Phase 4 trial an employee from "Pump Check," which is the third-party vendor
12 that inspected the flowmeter on PPHCSD's Well 14. PPHCSD anticipates Pump Check's
13 testimony will relate to Pump Check's employee's training and experience for evaluating the
14 accuracy of a flowmeter such as the flowmeter on PPHCSD's Well 14; the evaluation by Pump
15 Check of PPHCSD's Well 14 during 2010 and 2012; and, the Certificates of Accuracy created by
16 Pump Check following Pump Check's evaluation of PPHCSD's Well 14 (i.e., Exhibit E of Mr.
17 Bartz's declaration dated January 31, 2013).

18 (2) The Declaration of PPHCSD provided below by and through its General Manager,
19 Don Bartz, is pursuant to the Phase 4 CMO, referred to herein as the PPHCSD *Supplemental*
20 *Declaration*. The PPHCSD *Supplemental Declaration* is made solely for the purpose of this action
21 and more specifically for the Phase 4 Trial, based upon such information and documents as are
22 presently available to and specifically known by PPHCSD. Although PPHCSD has undertaken
23 significant efforts since its formation in 2008 to evaluate and enhance services to its residents and
24 customers, including among other things, water service as previously provided by County of San
25 Bernardino Special Districts Department, further discovery or evaluation may supply additional
26 facts or documents, add meaning to the known facts, or establish entirely new conclusions. The
27 following responses are given without prejudice to PPHCSD's right to produce evidence of any
28 such additional facts or documents subsequently discovered, recalled, or otherwise responsive to

1 further discovery, investigation, research, or analysis. Accordingly, PPHCSD reserves the right to
2 amend or to supplement responses provided herein, though absent further orders or appropriate
3 requests, no such affirmative obligation exists to amend or supplement the responses provided
4 herein.

5 Notwithstanding the foregoing comments, and consistent with the Phase 4 CMO and the
6 Court's comments regarding the same, the PPHCSD *Supplemental* Declaration provides ample,
7 credible, and admissible information to enable parties to understand and agree to the quantity of
8 groundwater produced by PPHCSD from the Antelope Valley Adjudication Area during the time
9 period relevant to Phase 4 *and* identification of the beneficial uses of that water.

10 Based upon this sufficient and admissible information, the parties should agree to the
11 quantities of groundwater produced for calendar years 2011 and 2012 and the beneficial uses for
12 which such water was produced by PPHCSD so that deposition and trial testimony from PPHCSD
13 are not necessary for the Phase 4 Trial.

14 **DECLARATION OF DON BARTZ**

15 I, Don Bartz, declare as follows:

16 1. I am the General Manager for Phelan Piñon Hills Community Services District
17 ("PPHCSD"), which is a party to this groundwater adjudication commonly referred to as the
18 Antelope Valley Groundwater Cases. I make this Declaration on behalf of PPHCSD in response to
19 the Court's Phase 4 CMO and to provide supplemental and additional information to my
20 declaration in this matter dated January 31, 2013, and I am authorized to do so. I have personal
21 knowledge of the facts set forth in this Declaration, and if called as a witness, could and would
22 testify competently to such facts under oath.

23 2. As I stated in paragraph 10 of my January 31, 2013 declaration in this matter,
24 PPHCSD was amending with the State Water Resources Control Board ("SWRCB") its Notice of
25 Extraction and Diversion of Water for 2010 to reflect production as 1,110.45 af. PPHCSD has now
26 submitted that amendment to the SWRCB. Attached to this Declaration as Exhibit "H" (my
27 January 31, 2013 declaration contains Exhibits A through G) is a true and correct copy of
28 PPHCSD's amended Notice of Extraction and Diversion of Water for 2010.

1 3. Also, as I stated in paragraph 13 of my January 31, 2013 declaration, PPHCSD has
2 Well Logs for Well 14, which illustrate the flowmeter readings for that well, which is the only
3 PPHCSD well located within the Antelope Valley Adjudication Area. Exhibit D of my January 31,
4 2013 declaration are true and correct copies of Well 14's Well Logs for calendar years 2011
5 through November 30, 2012. Attached to this Declaration as Exhibit "F" are true and correct copies
6 of Well 14's Well Logs for calendar years 2005 through 2010.

7 4. Exhibits H and I represent PPHCSD's records, prepared in accordance with
8 PPHCSD's customs and practices, including recordation of the information based upon the water
9 year from October 1 through September 30.

10 5. As General Manager for PPHCSD, I am familiar with the customs and practices for
11 creating and maintaining records, including for each and every one of PPHCSD's records attached
12 as an exhibit to this Declaration. Each such record was made within the scope of duties for the
13 PPHCSD employee who created the record, and was done at or near the time the act was
14 completed. Specifically as to the Well Logs (Exhibit I), PPHCSD employees are trained on how to
15 identify, and then to identify, the data for each column on the Well Log for each day of each month
16 as indicated in the rows, with the month denoted at the top of the Well Logs. Having reviewed
17 each such record attached to this Declaration, I believe each record to be a true, accurate and
18 complete copy of the original.

19 Executed on this 18th day of April 2013, at Phelan, California.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct.

22



Don Bartz

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Dated: April 18, 2013

ALESHIRE & WYNDER, LLP

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By: 

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Wesley A. Miliband
Attorneys for Cross-Defendant and
Cross-Complainant,
Phelan Piñon Hills Community
Services District

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3 **PROOF OF SERVICE**

4 I, Linda Yarvis,

5 I am employed in the County of Orange, State of California. I am over the age of 18 and
6 not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700,
Irvine, CA 92612.

7 On April 23, 2013, I served the within document(s) described as **SUPPLEMENTAL**
8 **RESPONSE AND DECLARATION OF PHELAN PINON HILLS COMMUNITY**
9 **SERVICES DISTRICT TO THE COURT'S ORDER TO ALL PARTIES FOR**
10 **DISCLOSURE OF CERTAIN INFORMATION; IDENTIFICATION OF ADDITIONAL**
11 **TRIAL WITNESS** as follows:

12 (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara
13 County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the
14 Court's Clarification Order. Electronic service and electronic posting completed through
15 www.scefiling.org.

16 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope
17 addressed as set forth above. I placed each such envelope for collection and mailing following
18 ordinary business practices. I am readily familiar with this Firm's practice for collection and
19 processing of correspondence for mailing. Under that practice, the correspondence would be
20 deposited with the United States Postal Service on that same day, with postage thereon fully
21 prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the
22 party served, service is presumed invalid if postal cancellation date or postage meter date is more
23 than one day after date of deposit for mailing in affidavit.

24 (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained
25 by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by
26 said express service carrier to receive documents, a true copy of the foregoing document(s) in a
27 sealed envelope or package designated by the express service carrier, addressed as set forth above,
28 with fees for overnight delivery paid or provided for.

Executed on April 23, 2013, at Irvine, California.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

23 Linda Yarvis
24 (Type or print name)


24 (Signature)