EXHIBIT 5

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 48 HON. JACK KOMAR, JUDGE

IN THE MATTER OF:	)
	)
ANTELOPE VALLEY GROUNDWATER CASES	)
	)
PLAINTIFFS,	)
	)
VS.	) NO. JCCP4408
	)
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40,	)
	)
DEFENDANTS.	)
	)

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
SEPTEMBER 30, 2015

APPEARANCES:

FOR THE WILLIS CLASS:	KRAUSE, KALFAYAN, BENINK & SLAVENS, LLP BY: RALPH KALFAYAN, ESQ. BY: LYNNE BRENNAN, ESQ. 550 WEST C STREET SUITE 530 SAN DIEGO, CALIFORNIA 92101
FOR L.A. COUNTY WATERWORKS DISTRICT NO. 40:	BEST, BEST & KRIEGER, LLP BY: JEFFREY V. DUNN, ESQ. BY: WENDY WANG, ESQ. 300 SOUTH GRAND AVENUE 25TH FLOOR LOS ANGELES, CALIFORNIA 90071
FOR PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT:	ALESHIRE & WYNDER, LLP BY: MILES P. HOGAN, ESQ. BY: JUNE S. AILIN, ESQ. 18881 VON KARMAN AVENUE SUITE 1700 IRVINE, CALIFORNIA 92612

AUDREY L. MOLINAR, CSR #12462
OFFICIAL REPORTER PRO TEMPORE

ALSO PRESENT:
KRONICK, MOSKOVITZ & GIRARD
BY: JANET K. GOLDSMITH, ESQ.

ELLISON, SCHNEIDER & HARRIS, LLP
BY: CHRISTOPHER SANDERS, ESQ.
BRUNICK, MCELHANEY & KENNEDY
BY: WILLIAM J. BRUNICK, ESQ.
BY: LELAND P. MCELHANEY, ESQ.
KLEIN, DENATATLE & GOLDNER
BY: JOSEPH D. HUGHES, ESQ.

LAW OFFICES OF YOUNG WOOLDRIDGE
BY: SCOTT K. KUNEY, ESQ.
LAW OFFICES OF MICHAEL D. MCLACHLAN
BY: MICHAEL D. MCLACHLAN, APC

KUHS & PARKER
BY: ROBERT G. KUHS, ESQ.
STATE OF CALIFORNIA
BY: NOAH GOLDEN-KRASNER, ESQ.

LAW OFFICES OF BORTON PETRINI LLP
BY: ROSEMARIE S. LEWIS, ESQ.
LAGERLOF, SENECAL, GOSNEY & KRUSE LLP
BY: THOMAS S. BUNN III, ESQ.

LAW OFFICE OF DANIEL M. O'LEARY
BY: DANIEL O'LEARY, ESQ.
MURPHY & EVERTZ
BY: DOUGLAS J. EVERTZ, ESQ.

MORRISON FOERSTER
BY: WILLIAM M. SLOAN, ESQ.
CLIFFORD & BROWN
BY: RICHARD G. ZIMMER, ESQ.

LAW OFFICES OF GRAHAM & VAAGE LLP
BY: ARNOLD K. GRAHAM, ESQ.
LEBEAU-THELAN LLP
BY: BOB H. JOYCE, ESQ.

LAW OFFICES OF MCMURTREY, HARSOCK & WORTH
BY: JAMES A. WORTH, ESQ.

ALSO PRESENT (CONTINUED):
SCHOOLS LEGAL SERVICE
BY: CHRISTOPHER BURGER, ESQ.

KURT A. STEIFLER, ESQ.

KAREN BILOTTI, ESQ.

WALTER WILSON, ESQ.

COURT CALL APPEARANCES:

ANDREW J. RAMOS

CALVIN R. STEAD

ARNOLD K. GRAHAM

CARLOS AMBRIZ

LUCAS QUASS

WILLIAM M. SLOAN

RICHARD A. WOOD

MARILYN LEVIN

Q. BY MR. DUNN: THANK YOU, YOUR HONOR.

HOW DID YOU GO ABOUT EVALUATING THE IMPACT OF THE PHELAN HILLS WELL WITHIN THE ADJUDICATION AREA? WHAT WORK DID YOU DO?

A. WE SIMULATED THE PUMPING USING THE GROUNDWATER MODEL, THE SAME ONE THAT WE USED FOR PHYSICAL SOLUTION. WE CALLED THE SCENARIO WITH PHELAN PUMPING SCENARIO 2B. 2A, YOU REMEMBER, WAS THE RAMP DOWN PLUS IMPORTING SUPPLEMENTAL SAFE YIELD. AND THEN WE LOOKED AT WATER BALANCES AND THE RESULTS SHOW THAT THE WELL 14 PUMPING AT 1,200 ACRE FEET A YEAR AND EXPORTED FROM THE BASIN WITHOUT ANY RETURN FLOW WOULD HAVE A NET LOSS OF 700 ACRE FEET PER YEAR FROM THE ANTELOPE VALLEY GROUNDWATER BASIN.

Q. ALL RIGHT. SO LET'S GO NOW FROM SLIDE 91, WHICH IS LABELED, BASIS FOR OPINION 2, TO SLIDE 92. NOW THIS SLIDE IS MARKED "MODEL CELL USED TO SIMULATE PUMPING FROM PPHCSD 14." WHAT'S DEPICTED HERE, DR. WILLIAMS?

A. WELL, THIS SHOWS THE ANTELOPE VALLEY AREA OF ADJUDICATION. THE BROWN SHADED AREA ARE THE MODEL ACTIVE CELLS. I WONDER IF YOU CAN -- WENDY, YOU CAN ZOOM INTO THIS LOWER RIGHT AREA SO WE CAN LOOK CLOSER AT THAT. A LITTLE BIT MORE. THAT'S FINE. THIS LIGHT-SHADED AREA ARE THE MODEL ACTIVE CELLS AND THE GRAY AREA ARE CALLED NO FLOW CELLS. WHEN THIS MODEL WAS CREATED, THE -- THE PHELAN WELL 14 WAS NOT IN ACTIVE SERVICE, IS MY UNDERSTANDING, AND THEREFORE, IN 2003 WHEN THE ORIGINAL GRID WAS SET UP, IT DID NOT INCLUDE THIS WELL WHICH IS SLIGHTLY ON THE OTHER SIDE OF THE COUNTY LINE ON THE WEST SIDE WITHIN THE

ANTELOPE VALLEY AREA OF ADJUDICATION. WHAT WE DID TO SIMULATE THE IMPACT OF THIS IS THAT WE ACTUALLY MOVED THIS WELL TO THE NEAREST ACTIVE CELL WITHIN THE MODEL AND THEN RAN OUR SIMULATIONS ON THAT. AND WE FELT THAT WAS CERTAINLY A DEFENDABLE WAY TO DETERMINE HOW MUCH STORAGE WOULD BE TAKEN OUT OF THE BASIN BY THE 1,200 ACRE FEET PER YEAR PUMPING. NOW KEEP IN MIND, AND I THINK THE NEXT SLIDE WOULD BE VERY INSTRUCTIVE.

Q. THIS IS SLIDE NO. 90 -- I'M SORRY --

A. NO, IT'S THE WATER BALANCE. THAT ONE. YES, THIS IS THE WATER BALANCE FOR THE PHELAN WELL 14 RUN AND BASICALLY WE HAD TWO SCENARIOS. 2A, OF COURSE WE DISCUSSED -- I'M SORRY. 2B IS WITHOUT PUMPING AND 2A WOULD BE WITH PUMPING. SO HERE YOU CAN SEE WITHOUT PUMPING, IT'S OUR SAFE YIELD NUMBER, 82,300. AND WITH PHELAN PUMPING, IF YOU ADD ANOTHER 1,200 ACRE FEET ONTO THAT YOU GET THE 83,500. SO THAT WAS -- THAT'S THE SCENARIO WITH PUMPING. NOW, THE STORAGE CHANGE WITHOUT THE WELL PUMPING IS A PLUS 24,700, THE BASIN IS REFILLING AT THAT RATE. AND THEN HOWEVER, WITH THE -- WITH THE PUMPING, IT IS REFILLING AT 700 ACRE FEET LESS. AND THE REASON IT'S -- IT'S NOT JUST 1,200 ACRE FEET IS BECAUSE SOME LOWERING OF THE WATER LEVEL BY THE PHELAN WELL PUMPING ALSO REDUCES THE OUTFLOW. WITHOUT THE WELL PUMPING THERE'S 3,400 ACRE FEET GOING TO EL MIRAGE VALLEY, BUT WITH THE PUMPING THERE IS A REDUCTION IN OUTFLOW OF 500 ACRE FEET OUTFLOW TO EL MIRAGE. SO IF YOU TAKE 1,200 MINUS 500, YOU GET 700, WHICH IS SHOWN BY THE REDUCTION HERE BETWEEN 2A AND 2B.

ON?

A. THAT WAS ORIGINALLY DONE BY U.S. GEOLOGICAL SURVEY IN THEIR ORIGINAL MODEL CELLS. WHICH ONES ARE ACTIVE AND INACTIVE, I BELIEVE WERE DETERMINED IN 2003 BY THE ORIGINAL MODEL AUTHOR.

Q. AND DID YOU CONSIDER LOOKING INTO HAVING OTHER CELLS TURNED ON?

A. WE DID NOT.

Q. WHY NOT?

A. WE WANTED TO USE THE USGS -- WE STARTED WITH THE MOD 1 MODIFICATION WHICH WAS CALIBRATED. AND THE ONLY DIFFERENCE THAT WE DID WAS TO UPDATE AND RECALIBRATE ACCORDING TO WHAT WE FELT WAS A MORE ACCURATE PUMPING FIGURE, BUT WE DIDN'T TOUCH ANY OF THE BOUNDARIES, CONDITIONS -- GENERAL HEAD BOUNDARIES, FAULT BOUNDARIES. WE DIDN'T LOOK AT -- WE USED THE SAME NUMBER OF LAYERS, SAME CELL SIZE, STRESS PERIODS AND SO ON.

Q. EACH ONE OF THE CELLS IS ABOUT A THIRD OF A SQUARE MILE, RIGHT?

A. YEAH, THEY'RE 1,000 METERS ON A SLIDE SO 32 SQUARED, YEAH.

Q. AND THE CELLS IN THE MODEL THAT HAVE BEEN TURNED ON DON'T ACTUALLY COVER THE ENTIRE ADJUDICATION AREA, DO THEY?

A. THEY DO NOT. THEY COVER THE -- THE ALLUVIAL BASIN PRIMARILY.

Q. AND SOME OF THE WELLS THAT YOU TOOK INTO ACCOUNT IN YOUR OPINION ABOUT HOW THE PHYSICAL SOLUTION

WILL RESULT IN THE ADJUDICATION AREA COMING INTO BALANCE, SOME OF THOSE WELLS ARE NOT LOCATED IN AREAS COVERED BY THE MODEL, RIGHT?

A. I DON'T KNOW. YOU'D HAVE TO SHOW THEM SPECIFICALLY.

Q. LET'S TAKE A LOOK AT SLIDE 48. AND I DON'T HAVE A POINTER LASER OR OTHERWISE, BUT ON THE EASTERN SIDE -- ON THE EASTERN SIDE -- YES, YOU'VE HONED RIGHT IN ON THE WELLS THAT I WAS GOING TO TALK ABOUT. THOSE WELLS ON THE EASTERN SIDE OF THE WELL -- I GUESS, I SHOULD SAY THERE'S A CLUSTER OF WELLS TO THE WEST OF THE BOUNDARY BETWEEN LOS ANGELES AND SAN BERNARDINO COUNTIES. THOSE WELLS ARE NOT IN THE AREA COVERED BY THE MODEL, ARE THEY?

A. YES, THEY ARE.

Q. THEY ARE? WOULD YOU TAKE A LOOK BACK AT SLIDE 6, PLEASE? NOW, THOSE WELLS ARE RIGHT ABOUT -- THANK YOU -- ARE RIGHT ABOUT THIS JOG IN THE COUNTY LINE, AREN'T THEY?

A. WELL, THEY'RE RIGHT IN THIS KIND OF BEDROCK AREA RIGHT AT THE BOUNDARY OF THE MODEL, SO THEY WERE PART OF THE PUMPING THAT WAS PUT IN SO THEY WERE MOVED INTO THESE AREAS.

Q. SO --

A. THEY'RE ACTUAL WELLS -- EXCUSE ME -- THEY'RE WELLS THAT HAVE PRODUCTION OF VALUES IN THEM.

Q. AND SO YOU TOOK THOSE WELLS AND KIND OF MOVED THAT PRODUCTION INTO SOME OTHER PART OF THE MODEL OR SOME PART OF THE MODEL THAT WAS FUNCTIONING?

A. YES.
Q. AND YOU DID THE SAME THING WITH THE RETURN FLOW FROM THOSE WELLS, RIGHT?
A. THAT'S CORRECT.
Q. AND LET'S ALSO TAKE A LOOK AT SLIDE 51. THESE ARE THE PUBLIC WATER SUPPLIERS WELLS, AND THESE WELLS OVER HERE THAT BELONG TO WEST VALLEY COUNTY WATER DISTRICT THAT ARE SHOWN IN RED ON THE WESTERN SIDE OF THE ADJUDICATION AREA, IF YOU LOOK AT SLIDE 6, THOSE AREN'T ACTUALLY LOCATED IN ACTIVE CELLS IN THE MODEL EITHER, ARE THEY?
A. WELL, LET ME LOOK AT SLIDE 6 AGAIN. HERE AGAIN THOSE ARE VERY CLOSE TO THE BOUNDARY. AND WE -- AND BECAUSE THEY HAD PRODUCTION THAT WE NEEDED TO ACCOUNT FOR, WE MOVED THEM INTO THE -- THE ACTIVE CELL AREAS.
Q. NOW YOU ALSO MOVED THE RETURN FLOW FROM THOSE WELLS, CORRECT?
A. YES.
Q. NOW, FOR PURPOSES OF THE MODEL, IT DOESN'T MATTER WHO'S DOING THE PUMPING, DOES IT?
A. THE MODEL DOESN'T, NO.
Q. BUT FOR PURPOSES OF THE MODEL, IT DOES MATTER WHERE THE PUMPING IS OCCURRING, CORRECT?
A. IT DOES, YES.
Q. AND THAT'S BECAUSE EACH OF THOSE CELLS REFLECTS THE SPECIFIC GEOLOGY IN THAT THIRD OF A SQUARE MILE AREA, CORRECT?
A. THE GEOLOGY IS VARIABLE, YES.
Q. NOW LET'S TAKE A LOOK AT SLIDE 23. AND IN YOUR

Q. BY MS. AILIN: YOUR OPINION REGARDING THE EFFECT OF THE PHYSICAL SOLUTION.

A. WELL, LET ME QUALIFY THAT. THE DIFFERENCE IN WATER LEVELS, YES, IT DID IMPACT MY OPINION BECAUSE WE WERE LOOKING AT CHANGES IN WATER LEVELS HYDROGRAPHS AND CHANGES IN STORAGE OVER THE ENTIRE ANTELOPE VALLEY AREA OF ADJUDICATION WITHIN THE ALLUVIAL, YOU KNOW, THE BOUNDARY OF THE PUMPING. AND SO THE -- THE CHANGE IN STORAGE IN THE -- SPECIFICALLY THE FLATTENING OF THE HYDROGRAPHS, THE STOPPING OF THE OVERDRAFT AND EVEN THE INCREASE IN WATER LEVELS DID AFFECT MY OPINION.

Q. LET'S TAKE A LOOK AT SLIDE 31. AND ON SLIDE 31 -- HAVE YOU HAD A CHANCE TO GET TO THAT?

A. YES, I GOT IT.

Q. IN SLIDE 31, IN THIS FIRST ROW OF NUMBERS AT THE TOP THERE'S A NUMBER ON THE LEFT-HAND SIDE THAT'S IDENTIFIED AS "ET." DOES "ET" STAND FOR EVAPOTRANSPIRATION?

A. YES.

Q. AND THAT'S WATER THAT'S BASICALLY JUST LOST TO THE AIR?

A. WELL, YES. IT'S USUALLY SHALLOW WATER LEVELS AND IT'S EVAPORATING OR TRANSPIRING TO PLANTS.

Q. HOW DID YOU DECIDE THAT FOR PURPOSES OF YOUR WATER BALANCE BASED ON THE ANNUAL AVERAGE PUMPING FROM 1915 TO 2005 THAT EVAPOTRANSPIRATION WAS 9,300 ACRE FEET PER YEAR?

A. WELL, THAT'S AN AVERAGE AND THOSE ARE VALUES

THAT THE U.S. GEOLOGICAL SURVEY USED.

Q. NOW, LET'S TAKE A LOOK AT SLIDE 78. AND IN SLIDE 78, YOUR NUMBER FOR EVAPOTRANSPIRATION IN ALL FOUR SCENARIOS IS ZERO, CORRECT?

A. YES, IT IS.

Q. SO IS THE PHYSICAL SOLUTION GOING TO PREVENT EVAPOTRANSPIRATION FROM HAPPENING?

A. IT IS. IT'S -- ACCORDING TO THIS, THE WATER LEVELS ARE LOWERED, THEY'RE ALREADY LOWERED CONSIDERABLY. KEEP IN MIND THAT OTHER FIGURE YOU WERE LOOKING AT WAS THE HISTORICAL PERIOD. SO THERE WAS, IN 1915, A LOT HIGHER WATER LEVELS AND ON AVERAGE THERE WAS MORE EVAPOTRANSPIRATION DURING THAT HISTORICAL RUN. WATER LEVELS ARE CONSIDERABLY LOWER STARTING OUT SO WITH SCENARIOS 1 AND 1A, THEY'RE NOT GOING TO GET ANY BETTER. AND THEY'RE STILL LOW IN SCENARIO 2 AND 2A. HOWEVER, 2A IS REFILLING THE BASIN AT 24,000 ACRE FEET A YEAR.

Q. SO AT SOME POINT IF THE MODEL WORKS THE WAY OR IF THE PHYSICAL SOLUTION WORKS THE WAY YOU THINK IT'S GOING TO, YOU'RE GOING TO GET TO A POINT WHERE YOU'RE GOING TO ONCE AGAIN HAVE EVAPOTRANSPIRATION, AREN'T YOU?

A. I COULDN'T ANSWER THAT UNLESS I -- I RAN THE MODEL FOR A LONGER PERIOD OF TIME.

Q. BUT THERE ARE PLANTS IN THE ANTELOPE VALLEY, THERE'S A LOT OF AGRICULTURE THAT GOES ON, CORRECT?

A. THAT'S CORRECT.

Q. SO THERE'S ALWAYS GOING TO BE SOME EVAPOTRANSPIRATION OR I SHOULD A TRANSPIRATION FROM THOSE

PLANTS, CORRECT?

A. WELL, THAT'S PART OF THE -- IN THE IRRIGATION EFFICIENCIES AND SO YES, THERE IS.

Q. AND THAT'S NOT REFLECTED IN SLIDE 78 OR IN YOUR OPINION, IS IT?

A. NO.

Q. AND THE SAME IS TRUE WITH SLIDE 93, WHAT YOU'VE CALLED SCENARIO 2B. YOU HAVEN'T ACCOUNTED FOR ANY EVAPOTRANSPIRATION IN THAT SCENARIO EITHER, HAVE YOU?

A. GIVE ME A MINUTE. I'LL GO TO THAT. NO, THE EVAPOTRANSPIRATION -- THIS IS JUST A COMPARISON OF THE RUN -- THE PHYSICAL SOLUTION RUN WHICH HAD NATIVE SAFE YIELD PLUS SUSTAINABLE SAFE YIELD IMPORTS. THIS IS JUST A COMPARISON BETWEEN THAT RUN AND PHELAN WELL 14 PUMPING. YES, THERE'S NO EVAPOTRANSPIRATION, EITHER SCENARIO.

Q. NOW, GOING BACK TO SLIDE 78, DID YOU EVER CONSIDER RUNNING A SCENARIO A VERSION OF SLIDE 78 THAT PROVIDED FOR SOME EVAPOTRANSPIRATION?

A. WELL, THE EVAPOTRANSPIRATION HERE AGAIN, I'LL REPEAT IT. WE USED THE U.S. GEOLOGICAL SURVEY, THEIR MOD 2 WHICH WAS DONE IN 2012. AND WE TOOK THEIR VALLEYS OF THE EVAPOTRANSPIRATION. THE ONLY THING WE CHANGED IN THAT FOR OUR HISTORICAL PERIOD WAS THE PUMPING NUMBERS, WHICH WE FELT ARE OUR PUMPING NUMBERS WERE MORE ACCURATE. WE DIDN'T -- WE DIDN'T CHANGE THE EVAPOTRANSPIRATION.

Q. SO YOU'RE SAYING THAT THE USGS WAS TAKING THE POSITION THAT GOING FORWARD THERE WOULD BE NO EVAPOTRANSPIRATION?

A. THEY DIDN'T RUN THE MODEL FORWARD, THEY JUST CALIBRATED.

Q. SO BECAUSE THEY DIDN'T RUN THE MODEL FORWARD, YOU CAN'T REALLY TIE THAT ZERO FOR EVAPOTRANSPIRATION TO THE USGS NUMBERS, CAN YOU?

A. WELL, THEY ARE THE USGS NUMBERS AND THEY'RE HISTORICAL CALIBRATION. AND THEN WE JUST DID THE SAME HISTORICAL CALIBRATION BUT WITH A REVISED PUMPING FIGURE. SO WHATEVER THE EVAPOTRANSPIRATION CAME OUT WITH THEIR MODEL -- OUR MODEL WAS THE SAME WITH THE EXCEPTION OF THE PUMPING.

Q. NOW, LET'S TAKE ANOTHER LOOK AT SLIDE 31. AND SLIDE 31 SHOWS OVER ON THE LEFT-HAND SIDE A SUB SURFACE OUTFLOW TO THE FREMONT VALLEY OF 1,200 ACRE FEET A YEAR, CORRECT?

A. YES.

Q. AND IN SLIDE 78 YOU HAVE ZERO OUTFLOW TO FREMONT VALLEY, BUT YOU HAVE SUB SURFACE INFLOW FROM FREMONT VALLEY. WHAT'S THE REASON FOR THAT CHANGE?

A. WELL, THESE ARE FUTURE -- FUTURE SCENARIOS, FUTURE MODEL RUNS PREDICTING WITH THE FOUR SCENARIOS THAT WE SUGGESTED 1, 1A, 2 AND 2A. SO WATER LEVEL CONDITIONS CHANGE, OUTFLOW CONDITIONS MAY CHANGE TO INFLOW CONDITIONS AND SO ON.

Q. AND YOU'RE PREDICTING THAT OVER TIME, THE AMOUNT OF INFLOW FROM THE FREMONT VALLEY IS GOING TO DROP FROM 600 ACRE FEET A YEAR TO 100 ACRE FEET A YEAR, CORRECT?

A. YES, THAT'S WHAT THE SIMULATION SHOWS.

Q. BUT OVER HERE ON THE RIGHT-HAND SIDE, YOU SHOW SUB SURFACE OUTFLOW TO EL MIRAGE VALLEY AND THAT NEVER CHANGES, CORRECT?

A. THAT'S CORRECT.

Q. WHY DOES THAT NEVER CHANGE WHEN YOU DO HAVE A CHANGE IN THE INFLOW AND OUTFLOW FROM THE FREMONT VALLEY?

A. WELL, THIS IS BASED ON A GENERAL HEAD BOUNDARY THAT WE USED FOR THE OUTFLOW. THEY'RE NOT -- THIS IS REFLECTING A LOT OF DIFFERENT GRADIENTS GOING ON, CHANGES IN THE WATER LEVELS THAT YOU DON'T SEE ON THE SOUTH EASTERN SIDE AS MUCH.

Q. WELL, YOU DON'T REALLY KNOW WHAT YOU'RE GOING TO SEE ON THE SOUTH EASTERN SIDE BECAUSE THERE ARE NO MONITORING WELLS OVER THERE AND THERE ARE NO CELLS OF THE MODEL OVER THERE, CORRECT?

A. WE DIDN'T LOOK INTO THE PHELAN WELLS EAST OF THE COUNTY LINE.

Q. WELL, ACTUALLY YOU DID LOOK INTO THE PHELAN WELLS EAST OF THE COUNTY LINE, DIDN'T YOU, BECAUSE YOUR CALCULATION OR THE INFORMATION THAT'S SHOWN IN EXHIBIT 95 -- I'M SORRY -- SLIDE 95, THAT ACTUALLY TAKES INTO ACCOUNT THE PUMPING OF ALL OF PHELAN'S WELLS, DOESN'T IT?

A. THIS -- THIS WAS A SEPARATE ANALYSIS APART FROM THE -- THE PHYSICAL SOLUTION RUNS. WELL, WE DID ACTUALLY LOOK AT THE LOWERING OF -- WE LOOKED AT THE ELEVATIONS BASED ON SOME WELLS EAST OF THE COUNTY LINE, 6A PRIMARILY. AND THAT WAS THE BASIS FOR OUR OUTFLOW CALCULATION IF THE WATER LEVEL EAST OF THE COUNTY LINE WAS LOWERED

APPROXIMATELY HALF A FOOT A YEAR.

Q. WELL, WHEN YOUR DEPOSITION WAS TAKEN ON JANUARY 16, 2014, YOU TESTIFIED ABOUT WHAT'S SHOWN IN SLIDE 95, DIDN'T YOU?

A. YES.

Q. AND YOU WERE ASKED WHICH OF THE PHELAN WELLS WERE LOOKED AT FOR PURPOSES OF THE MODEL AND YOU -- YOU RESPONDED, "I THINK 10 LEVEL 11, 12, 14, 6A AND 6B." NOW, THAT'S ALL OF PHELAN'S WELLS, ISN'T IT?

A. THAT'S CORRECT.

Q. SO WITH ALL OF PHELAN'S WELLS PUMPING, YOU HAVE 200 ACRE FEET A YEAR GOING OUT TO THE EL MIRAGE VALLEY, BUT IF YOU ONLY LOOK AT WELL 14, YOU HAVE 500 ACRE FEET STAYING IN THE ADJUDICATION AREA THAT WOULDN'T OTHERWISE BE THERE, CORRECT?

MR. ZIMMER: ARGUMENTATIVE AND COMPOUND.

THE COURT: OVERRULED.

THE WITNESS: I'M SORRY. WOULD YOU EXPLAIN THAT AGAIN, PLEASE?

MS. AILIN: COULD I HAVE THE QUESTION READ BACK?

THE WITNESS: IF I UNDERSTAND YOUR QUESTION WAS --

THE COURT: LET HER READ THE QUESTION BACK.

(THE PREVIOUS QUESTION WAS READ BACK.)

THE WITNESS: THE OPINION I GAVE IN OCTOBER OF LAST YEAR WAS MORE THAN JUST THE ISSUE OF THE HALF A FOOT LOWERING THE 200 ACRE FEET THAT WE ESTIMATED. IT WAS ALSO

OTHER ISSUES REGARDING RETURN FLOWS BEING COMPLETELY UTILIZED WITHIN PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT. THE CURRENT ANALYSIS USING THE PHYSICAL SOLUTION, THE SLIDE 93, WHICH SHOWS A LOWERING OR A LESSENING OF OUTFLOW IS STRICTLY A CALCULATION THAT THE MODEL DOES IN FACT THE LOWERING. WE'RE STILL USING THE SAME GENERAL HEAD BOUNDARY, BUT IT -- THE WATER LEVEL IS BEING LOWERED IN THE ANTELOPE VALLEY SIDE SUCH THAT THERE'S LESS OUTFLOW GOING. THERE'S 2,900 ACRE FEET RATHER THAN THE 3,400 WITHOUT PUMPING. SO THERE'S A BENEFIT TO THE BASIN OF 500. BUT ON THE OTHER HAND, THERE'S 1,200 GOING OUT AND BEING EXPORTED FROM ANTELOPE VALLEY AND SO THAT'S THE 700. THIS IS A TOTALLY SEPARATE ISSUE FROM THE DECLINE IN HEAD, WHICH WOULD BE A CHANGE IN HYDRAULIC HEAD UNDER ANY SCENARIO ASSUMING THE OUTFLOW AREA IS THE SAME.

Q. BY MS. AILIN: AND WHEN YOU TALK ABOUT THAT GENERAL HEAD BOUNDARY, THAT GENERAL HEAD BOUNDARY IS IN AN AREA WHERE THERE ARE NO CALIBRATION WELLS, CORRECT?

A. THAT'S CORRECT. THAT'S WHAT THE U.S. GEOLOGICAL SURVEY PUT IN AS THE VALUE.

Q. AND THE GENERAL HEAD BOUNDARY IS IN AN AREA WHERE THERE ARE NO WORKING CELLS IN THE MODEL, CORRECT?

A. THE GENERAL HEAD BOUNDARY IS A -- THEY ARE INACTIVE CELLS.

Q. THEY ARE INACTIVE CELLS?

A. YES, THE GENERAL HEAD BOUNDARY ARE INACTIVE CELLS.

Q. BUT IT'S NOT WHERE WELL 14 IS LOCATED?

A. NO. WELL 14 IS NOT LOCATED IN THE GENERAL HEAD BOUNDARY CELLS.

Q. NOW, WHEN YOU TALK ABOUT OUTFLOW TO EL MIRAGE VALLEY, EXACTLY WHERE ARE YOU PUTTING THAT BOUNDARY OF EL MIRAGE VALLEY? ARE YOU TALKING ABOUT THE EASTERN BOUNDARY OF THE ADJUDICATION AREA, IN OTHER WORDS, THE COUNTY LINE? OR ARE YOU TALKING ABOUT SOMEPLACE FURTHER EAST?

MR. KUHS: OBJECTION; COMPOUND.

THE COURT: OVERRULED.

THE WITNESS: IF YOU GO TO THE NEXT SLIDE, IT SHOWS EXACTLY WHERE THE OUTFLOW IS GOING. IT'S GOING OUT THROUGH THE GENERAL HEAD BOUNDARY CELLS.

Q. BY MS. AILIN: SO THAT'S NOT RIGHT WHERE THE EL MIRAGE VALLEY BEGINS, IS IT?

A. WELL, THERE -- I'M SAYING IT IS. TECHNICALLY, THE ANTELOPE VALLEY GROUNDWATER BASIN GOES IN THAT AREA A LITTLE BIT, BUT THE AREA OF ADJUDICATION STOPS AT THE L.A. COUNTY LINE.

Q. SO WHEN YOU TALK ABOUT OUTFLOW TO THE EL MIRAGE VALLEY, WHAT YOU'RE REALLY SAYING IS OUTFLOW FROM THE ADJUDICATION AREA?

A. THAT'S CORRECT. YOU'RE CORRECT.

Q. BUT THAT OUTFLOW IS ACTUALLY TO ANOTHER PART OF THE ANTELOPE VALLEY GROUNDWATER BASIN AS DEFINED BY BULLETIN 118?

A. TECHNICALLY YOU'RE CORRECT, BUT IT'S OUTSIDE OF THE ANTELOPE VALLEY AREA OF ADJUDICATION.

Q. AND THERE'S HYDRAULIC CONTINUITY ACROSS THE

COUNTY LINE, CORRECT?

A. IN THIS AREA, YES.

Q. DOES PHELAN'S PUMPING MEAN THAT THE ANTELOPE VALLEY ADJUDICATION AREA IS NOT GOING TO STABILIZE IN TERMS OF GROUNDWATER LEVELS?

MR. KUHS: OBJECTION -- WITHDRAWN.

THE WITNESS: IT WILL STABILIZE. IT -- IT JUST SHOWS THERE WILL BE A LOSS OF STORAGE OF ABOUT 700 ACRE FEET A YEAR.

Q. BY MS. AILIN: THERE'S ACTUALLY A LOSS OF STORAGE THAT HAPPENS FROM EVERYBODY'S PUMPING, CORRECT? EVERYBODY'S PUMPING TAKES WATER OUT OF THE ADJUDICATION AREA, CORRECT?

MR. ZIMMER: VAGUE AS TO EVERYBODY.

Q. BY MS. AILIN: EVERYONE WHO'S PUMPING.

A. YES, THE WHOLE -- THE WHOLE MODELING, YEAH, HAS EXTRACTION. SOME OF THAT GOES BACK FROM RETURN FLOWS, SO WHEN YOU PUMP A WELL, OBVIOUSLY YOU LOWER STORAGE IN THE VICINITY OF THAT WELL. YES, IT'S THE WAY GROUNDWATER WORKS.

Q. AND IN YOUR OPINION, PHELAN'S PUMPING IS NOT GOING TO PREVENT THE ADJUDICATION AREA FROM RECOVERING, CORRECT?

A. IT IS -- IT'S STILL SCENARIO 2 AND 2A WILL STILL BE RECOVERING WITH OR WITHOUT PHELAN'S WELL PUMPING.

Q. DO YOU HAVE AN OPINION REGARDING WHETHER PHELAN SHOULD PAY A REPLENISHMENT ASSESSMENT FOR PUMPING WATER THAT WOULD NOT EVEN BE IN THE ADJUDICATION AREA IF PHELAN

MR. DUNN: ALL RIGHT. I HAVE NO FURTHER QUESTIONS. THANK YOU.

THE COURT: ANY FURTHER CROSS?

RECROSS-EXAMINATION

BY MS. AILIN:

Q. THANK YOU, YOUR HONOR.

DR. WILLIAMS, DID YOU CALCULATE THE AMOUNT OF WATER THAT IS PUMPED AND DISTRIBUTED OUTSIDE OF THE MODEL CELLS THAT ARE TURNED ON?

A. NO, I DID NOT.

Q. SO YOU DON'T REALLY HAVE A BASIS FOR SAYING THAT THE WATER OUTSIDE THE MODEL HAS NO AFFECT, CORRECT?

MR. ZIMMER: OBJECTION; VAGUE; COMPOUND.

THE COURT: I DON'T UNDERSTAND THE QUESTION. MAYBE YOU CAN REPHRASE IT.

Q. BY MS. AILIN: SINCE YOU DIDN'T CALCULATE THE WATER THAT'S -- THAT'S PUMPED AND DISTRIBUTED OUTSIDE THE MODEL CELLS, YOU'RE NOT ABLE TO DETERMINE HOW THAT COULD AFFECT THE ACCURACY OF THE MODEL, ARE YOU?

MR. DUNN: OBJECTION; MISCHARACTERIZES THE WITNESS'S TESTIMONY. HE DID NOT STATE THAT THE MODEL DOES NOT ACCOUNT FOR WATER THAT IS USED OUTSIDE THE ACTIVE CELLS.

MS. AILIN: WELL HIS OPINION SOMEHOW ACCOUNTED FOR THAT WATER BUT THE MODEL DOES NOT.

THE COURT: MAYBE YOU SHOULD ASK THAT SPECIFIC QUESTION. DOES IT?

Q. BY MS. AILIN: WELL, HE'S ALREADY TESTIFIED

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT RM. 48 — HON. JACK KOMAR, JUDGE

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LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40,	REPORTER'S CERTIFICATE
DEFENDANTS.	

I, AUDREY L. MOLINAR, CSR #12462, OFFICIAL REPORTER PRO TEMPORE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 97, COMPRISE A TRUE AND CORRECT PORTION OF THE TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON SEPTEMBER 30, 2015.

DATED THIS 17TH DAY OF NOVEMBER, 2015.

_____,CSR # 12462
AUDREY L. MOLINAR
OFFICIAL REPORTER PRO TEMPORE